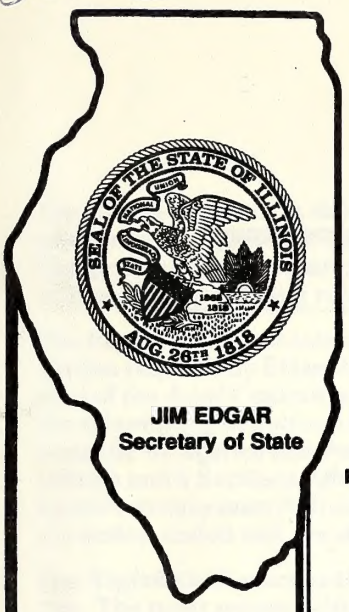

JIM EDGAR
Secretary of State

ILLINOIS REGISTER

Rules of Governmental Agencies

VOLUME 13
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Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

TABLE OF CONTENTS

PROPOSED RULES PAGE

EMPLOYMENT SECURITY, DEPARTMENT OF
Alien Status; 56 Ill. Adm. Code 2905 2229

INSURANCE, DEPARTMENT OF
Fees for Various Certificates Under Section 408; 50 Ill. Adm. Code 2502, Repeal of 2234

PUBLIC AID, DEPARTMENT OF
Aid to Families With Dependent Children; 89 Ill. Adm. Code 112 2236

PUBLIC HEALTH, DEPARTMENT OF
Clinical Laboratories & Blood Banks; 77 Ill. Adm. Code 450 2249

REVENUE, DEPARTMENT OF
Income Tax Regs.; 86 Ill. Adm. Code 100 2383

SECRETARY OF STATE
Issuance of Licenses; 92 Ill. Adm. Code 1030 2395

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Service-Connected Days Benefit Administration; 80 Ill. Adm. Code 2150 2402

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Confidentiality of Personal Information of Persons Served by the Department; 89 Ill. Adm. Code 431 2407
Reports of Child Abuse & Neglect; 89 Ill. Adm. Code 300 2419

FARM DEVELOPMENT AUTHORITY, ILLINOIS
Ill. Farm Development Authority; 8 Ill. Adm. Code 1400 2440

POLLUTION CONTROL BOARD
Pretreatment Programs; 35 Ill. Adm. Code 310 2463

PUBLIC AID, DEPARTMENT OF
Medical Payment; 89 Ill. Adm. Code 140 2475
Support Responsibility of Relatives; 89 Ill. Adm. Code 103 2496

PUBLIC HEALTH, DEPARTMENT OF
Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, & Cosmetics; 77 Ill. Adm. Code 725, Repeal of 2517
Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics; 77 Ill. Adm. Code 725 2502

EMERGENCY RULES

PROFESSIONAL REGULATION, DEPARTMENT OF
Clinical Psychologist Licensing Act; 68 Ill. Adm. Code 1400 2519

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Confidentiality of Personal Information of Persons Served by the Department; 89 Ill. Adm. Code 431, Refusal 2532
Reports of Child Abuse & Neglect; 89 Ill. Adm. Code 300, Refusal 2535

POLLUTION CONTROL BOARD
Air Quality Standards; 35 Ill. Adm. Code 243, Withdrawal 2536
Definitions & General Provisions; 35 Ill. Adm. Code 211, Withdrawal 2537

(continued on next page)

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES (CONT'D)

PUBLIC AID, DEPARTMENT OF
Medical Payment; 89 Ill. Adm. Code 140, Refusal 2538

NOTICE OF CORRECTIONS

POLLUTION CONTROL BOARD
Sampling & Monitoring; 35 Ill. Adm. Code 605 2539

NOTICE OF CODIFICATION CHANGES

PUBLIC AID, DEPARTMENT OF
Medical Payment; 89 Ill. Adm. Code 140 2543

PUBLIC HEARINGS

PUBLIC HEALTH, DEPARTMENT OF
Clinical Laboratories & Blood Banks; 77 Ill. Adm. Code 450 2545

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for March 1, 1989 2548
Second Notices Received 2565

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS
89-055 - DuPage County Sequicentennial 2568
89-056 - Tornado Preparedness Week 2569
89-057 - Legislators' Fitness Day 2570

CUMULATIVE INDEX

1989 Index - Issue #1 thru Issue #8 ..... CI-1

SECTIONS AFFECTED INDEX

1989 Index - Issue #1 thru #7 ..... SAI-1
1989 Index - Issue #8 ..... SAI-11

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989
Apr. 25, 1989	May 2, 1989	19	May 12, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989
May 9, 1989	May 16, 1989	21	May 26, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989
June 20, 1989	June 27, 1989	27	July 7, 1989
June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
July 11, 1989	July 18, 1989	30	July 28, 1989
July 18, 1989	July 25, 1989	31	Aug. 4, 1989
July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Aug. 29, 1989	Sept. 5, 1989	37	Sept 15, 1989
Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: **When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday** *(the day before)*.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Alien Status

2) Code Citation: 56 Ill. Adm. Code 2905

3)

Section Number:	Proposed Action:
2905.1	Amended Section
2905.15	Amended Section
2905.25	Repealed Section
2905.40	New Section

4) Statutory Authority: Ill. Rev. Stat., 1987, ch. 48, pars. 444, 610 and 611.

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to Part 2905 clarifies prior rulemaking on the effect of a lack of the right to work in the United States by an alien on his eligibility for unemployment insurance benefits. This rulemaking also codifies the Department's position that a general order by the federal Immigration and Naturalization Service (INS) not to deport members of a particular alien group is, in and of itself, insufficient to confer "color of law" status on an individual alien.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective? Not Applicable.

11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 8, 1989.

Types of small businesses affected: All businesses subject to the Unemployment Insurance Act.

Reporting, bookkeeping or other procedures required for compliance: None - this amendment only directly affects employers as it deals with claimant eligibility.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment appears on the following page of the Illinois Register.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER g: INELIGIBILITY FOR BENEFITS

PART 2905
ALIEN STATUS

SUBPART A: GENERAL PROVISIONS

Section
2905.1 Unemployment Benefits To Aliens
2905.5 Definitions
2905.10 When Is An Alien Lawfully Admitted For Permanent Residence
2905.15 Permanent Residence Under Color Of Law
2905.20 Evidence Of Eligibility
2905.25 Ineligibility On The Basis Of Alienage (Repealed)
2905.30 Information Regarding Claimants' Status
2905.35 Evidence Of Ineligibility Because of Alienage
2905.40 Legal Authorization To Work

AUTHORITY: Implementing and authorized by Sections 614, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat., 1987, ch. 48, pars. 444, 610 and 611).

SOURCE: Adopted at 56 Ill. Adm. Code 800.70, 800.71, 800.72, 800.73, 800.74, 800.670, 800.690 and 800.691 at 7 Ill. Reg. 383, effective December 23, 1982; recodified to 56 Ill. Adm. Code 1200: Subpart B at 8 Ill. Reg. 6039; recodified to 56 Ill. Adm. Code 2905: Subpart A at 8 Ill. Reg. 19426; amended at 13 Ill. Reg. _____, effective _____.

SUBPART: GENERAL PROVISIONS

Section 2905.1 Unemployment Benefits To Aliens

An alien can establish monetary eligibility (see 56 Ill. Adm. Code 2720.1) ~~is eligible~~ to receive unemployment insurance benefits only to the extent and on the basis of wages that he earned during his base period while ~~if, during his base period, when he earned wages,~~ he was lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, as provided in 56 Ill. Adm. Code 2905.10 or 2905.15, as the case may be.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Example: An individual illegally enters the United States in 1981 and begins work at that time. He applies for and is granted permanent residence status as of May 1, 1988. Only those wages that this individual earns on or after May 1, 1988 may be used to establish his monetary eligibility for benefits.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 2905.15 Permanent Residence Under Color Of Law

a) An alien is considered permanently residing in the United States under color of law if his presence in this country is presumptively legal because:

~~a~~ 1) He has entered the United States prior to June 30, 1906; or,

~~b~~ 2) He ~~has been~~is presumed lawfully admitted under an erroneous name or due to other error in accordance with 8 C.F.R. 101.2; or

~~c~~ 3) He has been given "~~conditional entry~~refugee" or "asylee" status by the United States Attorney General pursuant to Sections ~~203(a)(7),~~ 207 or Section 208, respectively, ~~and 212(d)(5)~~ of the Immigration and Nationality Act ~~(8 U.S.C. 1153, 1157, 1158, 1182)~~; or,

~~d~~ 4) He has been given parole into the United States by the United States Attorney General pursuant to Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182).

b) The mere fact that a particular individual, group or class of individuals is temporarily not subject to deportation does not mean that the individual or members of that group or class are permanently residing in the United States under color of law. In such circumstances, in order to establish that he is permanently residing in the United States under color of law, the individual or group or class member must show that the Immigration and Naturalization Service (INS) has provided written notification that he may remain in the United States for an indefinite period of time.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 2905.25 Ineligibility On The Basis Of Alienage (Repealed)

~~An alien, whose wages were earned during a base period when he was neither lawfully admitted for permanent residence nor otherwise permanently residing in the United States under color of law as provided in 56 Ill. Adm. Code 2905.15 or 2905.20, as the case may be, is ineligible to receive unemployment insurance benefits.~~

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 2905.40 Legal Authorization To Work

In order to be eligible to receive benefits, an individual must be available to work (Ill. Rev. Stat. 1987, ch. 48, par. 420C). In order to meet this availability requirement, an alien must be legally authorized to work in the United States. An alien without current authorization to work from the Immigration and Naturalization Service (INS) or who is not in a status which automatically permits the alien to work, is not legally available for work and not eligible for benefits, even if the alien meets the monetary eligibility requirements of the Act (Ill. Rev. Stat. 1987, ch. 48, par. 420E).

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

1) Heading of Part: Fees for Various Certificates Under Section 408

2) Code Citation: 50 Ill. Adm. Code 2502

3) Section Numbers: Proposed Action:

2502.10	Repealer
2502.20	Repealer

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, par. 1013.

5) A Complete Description of the Subjects and Issues Involved:

This Part is being repealed because it was superseded by Ill. Rev. Stat., 1987, ch. 73, par. 1020.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed repealer contain incorporations by references? Yes.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking? Persons who wish to comment on this proposed rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

Timothy M. Cena
Staff Attorney
Department of Insurance
100 W. Randolph, Suite 15-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

The Department of Insurance has determined that this proposed repealer will not affect small businesses.

The full text of the proposed repealer begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ee: FEES, CHARGES AND TAXES

PART 2502
FEES FOR VARIOUS CERTIFICATES UNDER SECTION 408

Section
2502.10 Certificate Fees
2502.20 Fees for Multiple Copies of Certificates

Authority: Implementing Section 408(2) of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1020) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).)

Source: Filed October 20, 1959, effective November 1, 1959; codified at 7 Ill. Reg. 3011; repealed at _____ Ill. Reg._____. effective_____.

Section 2502.10 Certificate Fees

After the effective date of this rule, as hereinafter set forth, a fee of $5.00 shall be charged for each of the following certificates:

a) Certified copy of Certificate of Authority.

b) Certificate of Valuation or Deposit.

c) Certificate of Compliance.

d) Surety Certificate.

e) Any certificate to copy of paper under Section 408(1) (o), except that a fee of $1.00 shall be charged for each certification of an agent's or broker's license or licenses.

Section 2502.20 Fees for Multiple Copies of Certificates

Pursuant to the provisions of subsection (2) of Section 408 of the Illinois Insurance Code (which permits the Director of Insurance, when numerous copies of the same paper are furnished, to reduce the fees for such copies if he deems the same excessive) fees for multiple copies of the above certificates shall be billed on the basis of $5.00 for the first copy of a certificate of either type and $2.00 for each additional copy of the same certificate requested in the same order.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3)

Section Number:	Proposed Action:
112.98	Amendment

4) Statutory Authority: Sections 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-2 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: The title of the "Work Supplementation Program" is changed to the "Exchange Program".

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? ___Yes _X_ No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.5	New Section	December 16, 1988 (12 Ill. Reg. 20661)
112.40	Amendment	February 17, 1989 (13 Ill. Reg. 1948)
112.78	Amendment	December 30, 1988 (12 Ill. Reg. 22308)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jessie B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section
112.70 Registration Requirements For Project Chance
112.71 Individuals Exempt From Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 Project Chance Full Assessment Process/Development of an Employment Plan
112.76 Project Chance Orientation
112.77 Illinois Work Experience Program Evaluation Project (Renumbered)
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
112.81 Good Cause For Failure to Cooperate With Support Enforcement (Recodified)
112.82 Project Chance Supportive Services
112.83 Employment Child Care
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: ~~WORK-SUPPLEMENTATION~~ EXCHANGE PROGRAM

Section
112.98 ~~Work-Supplementation~~ Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent, Parent or Legal Guardian
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income From Work/Study/Training Program
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers
112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels in AFDC
112.252 Payment Levels in AFDC Group I Counties
112.253 Payment Levels in AFDC Group II Counties
112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Monthly Reporting
112.303 Restrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Aliens
112.308 Special Needs Authorizations
112.309 Institutional Status

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
112.315 Young Parent Program
112.320 Redetermination of Eligibility
112.330 Six Month Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June, 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART F: ~~WORK-SUPPLEMENTATION~~ EXCHANGE PROGRAM

Section 112.98 ~~Work-Supplementation~~ Exchange Program

a) The ~~Work-Supplementation~~ Exchange Program ~~(WSP)~~ develops employment opportunities for AFDC recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of WSP the Exchange Program is to obtain jobs for AFDC recipients who might not be hired without a subsidy.

b) Eligible Participants

1) AFDC mandatory and volunteer participants in Project Chance (see Sections 112.70 through 112.82) who meet the selection criteria listed in subsection (b)(2) below are eligible to participate in the WSP Exchange Program. Participation in the program is voluntary. An AFDC recipient who wants to participate in the ~~Work-Supplementation~~ Exchange Program must agree to all provisions in this Section during the time of participation in the program.

2) In order to place special emphasis on people who

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 112.98 ~~Work-Supplementation~~ Exchange Program (Cont'd)

would not be likely to obtain a job without work supplementation AFDC recipients must meet the following criteria for selection to participate in the ~~WSP~~ Exchange Program:

A) The recipient must be the parent of at least one of the children in the AFDC unit.

B) The recipient must have completed the Project Chance Intensive Job Search component (see Section 112.78(a)), have had a full assessment pursuant to Section 112.74, and been determined eligible to participate in other Project Chance components (see Section 112.78).

C) The recipient must have no income other than AFDC benefits.

D) The recipient must be recommended for participation by the Project Chance worker. The Project Chance worker will recommend for participation in ~~WSP~~ the Exchange Program those Project Chance participants who, based on their assessment under Section 112.74, are likely to encounter difficulty in obtaining employment (e.g., lack of skills for which jobs are available in the area, lack of work history).

3) Nothing in this Section should be construed as providing any recipient the right to participate in the program.

4) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING THE DEPARTMENT OR ANY CONTRACTOR TO PROVIDE EMPLOYEE STATUS TO ANY ELIGIBLE INDIVIDUAL TO WHOM IT PROVIDES A JOB POSITION UNDER THE WSP EXCHANGE PROGRAM, OR WITH RESPECT TO WHOM IT PROVIDES ALL OR PART OF THE WAGES PAID TO SUCH INDIVIDUAL BY ANOTHER ENTITY UNDER SUCH PROGRAM (42 U.S.C. 1614(e)(1)).

5) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING THE DEPARTMENT TO PROVIDE THAT ELIGIBLE INDIVIDUALS FILLING JOB POSITIONS PROVIDED BY

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 112.98 ~~Work-Supplementation~~ Exchange Program (Cont'd)

CONTRACTORS UNDER THE WSP EXCHANGE PROGRAM BE PROVIDED EMPLOYEE STATUS BY SUCH ENTITY DURING THE FIRST 13 WEEKS DURING WHICH THEY FILL SUCH POSITION (42 U.S.C. 1614(e)(2)).

c) Benefits and Reporting Requirements while Participatizg in the WSP Exchange Program

1) Participants in the WSP Exchange Program are considered to be AFDC recipients and remain eligible for Medical Assistance for the duration of their WSP Exchange Program participation. Child care expenses will be provided through Project Chance while the participant is employed in ~~a WSP~~ an Exchange Program job.

2) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time at the prevailing minimum wage, less applicable payroll taxes, in lieu of the cash grant.

3) Participants are not required to file monthly reports as a requirement for continuing eligibility. Changes in income from sources other than the WSP Exchange Program job and/or circumstances must still be reported within five (5) days of occurrence pursuant to 89 Ill. Adm. Code 102.50.

4) WAGES PAID UNDER ~~A WSP~~ AN EXCHANGE PROGRAM SHALL BE CONSIDERED TO BE EARNED INCOME FOR PURPOSES OF ANY PROVISION OF LAW (42 U.S.C. 1614(e)(3)).

d) Duration of Program Participation

1) Participants may not exceed a total of nine (9) months in WSP the Exchange Program subsidized placements regardless of the number of times an individual becomes an AFDC recipient. The period of a single assignment is dependent upon the terms of the WSP Exchange Program contract which has been developed with the employer. Recipients will be informed of the length of the WSP Exchange Program subsidy period prior to placement.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 112.98 ~~Work-Supplementation~~ Exchange Program (Cont'd)

2) Participants who fail to cooperate with Project Chance program requirements (as defined in Section 112.72) or leave a supported work position without good cause (as defined in Section 112.80) are removed from ~~WSP~~ the Exchange Program and become ineligible to participate in ~~WSP~~ the Exchange Program at any future time. Persons who become ineligible for ~~WSP~~ the Exchange Program are not sanctioned due to ~~WSP~~ Exchange Program ineligibility.

e) Contracts with Employers

1) Employers that participate in the ~~WSP~~ Exchange Program must enter into a written contract with the Department prior to receiving referrals under the ~~WSP~~ Exchange Program.

2) Employers must be in good standing (i.e., in compliance with all applicable federal, state, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

f) Calculation of the Diverted Grants

1) The level of grant to be diverted is determined on a prospective basis when a work assignment under the ~~WSP~~ Exchange Program is made. The effective date of the diverted grant is the first day of the first full month of ~~WSP~~ Exchange Program wages.

2) ~~WSP~~ Exchange Program participants are not eligible for the disregards to earned income provided in Sections 112.141 and 112.143.

3) Participants' grants are frozen beginning with the first full budget month which corresponds to the first full month of ~~WSP~~ Exchange Program wages. The grant amount to which the participant would otherwise be entitled is diverted and used in whole or in part to pay a wage sudsidy to the employer.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 112.98 ~~Work-Supplementation~~ Exchange Program (Cont'd)

4) At the conclusion of the ~~WSP~~ Exchange Program period, participants will have their grants determined using prospective budgeting until the first budget month following placement which does not include income earned while participating in the supported placement.

g) Program Completion

If the participant continues employment after the ~~WSP~~ Exchange Program period, the grant is determined using prospective budgeting for two full months following termination of the ~~WSP~~ Exchange Program placement, after which retrospective budgeting is used. If the participant is no longer eligible for AFDC benefits after the ~~WSP~~ Exchange Program period, a determination of continued medical eligibility shall be made in accordance with Sections 112.330 and 112.332.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Clinical Laboratories and Blood Banks

2) Code Citation:

77 Ill. Adm. Code 450

3) Section Numbers:

Section Numbers	Proposed Action
450.05	New Section
450.10, 450.20, 450.30	Amendments
450.35, 450.40, 450.50	New Sections
450.210, 450.220, 450.230	Amendments
450.310, 450.320, 450.330	Amendments
450.410, 450.420, 450.430	Amendments
450.440, 450.450, 450.510, 450.520	Amendments
450.530, 450.540, 450.550	Repealer
450.560, 450.570	Repealer
450.610, 450.710, 450.720	Amendments
450.730	Amendments
450.810, 450.820, 450.830	Repealer
450.835, 450.840	Repealer
450.845, 450.848, 450.850	Repealer
450.860, 450.870	Repealer
450.920, 450.930, 450.940	Amendments
450.950, 450.1010, 450.1110	Amendments
450.1120, 450.1130, 450.1140	Amendments
450.1150, 450.1155, 450.1200	Amendments
450.1300, 450.1310, 450.1320	New Sections
450.1330, Appendix A, Appendix B	New Sections

4) Statutory Authority:

Illinois Clinical Laboratory Act
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 621-101 et seq., as amended by Public Acts 85-1025, effective June 30, 1988, 85-1202, effective August 25, 1988, 85-1251, effective August 30, 1988.

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking attempts to implement numerous legislative changes which have recently or will soon become effective (Public Act 85-1025, effective June 30, 1988 and July 1, 1989; Public Act 85-1202, effective August 25, 1988, and Public Act 85-847, effective July 1, 1988 changed to July 1, 1989). These numerous Public Acts constitute a major rewrite of the Illinois Clinical Laboratory Act with the majority of the provisions becoming effective July 1, 1989.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

The Department has solicited and received numerous recommendations concerning how these Public Acts should be implemented through rulemaking. After a review of all recommendations and the recent legislation, the Department has decided upon the following proposed amendments.

The major thrust of the legislative changes is to require some form of licensure or registration of all entities which perform analysis of human specimens under the following five stage classification scheme:

1. Registration Laboratory;

2. Class I Permit Laboratory;

3. Class II Permit Laboratory;

4. Class III Permit Laboratory;

5. Licensed Laboratory.

All laboratories will be regulated one of these five levels of classification depending upon the tests they conduct, the source of the specimens, and organizational structure. Each of these levels, except the registration class, has regulatory requirements concerning the qualifications of the laboratory director, qualifications of laboratory personnel, proficiency testing and quality control as set forth in this rulemaking.

1. Registration Laboratory;

In order to qualify as a "Registration" laboratory, the laboratory must meet the definition of a "Class I Permit" laboratory and only conducts those tests specified in the regulations. As set forth in the Act and this rulemaking, a "Registration" laboratory can be any "single practice of medicine, podiatry or dentistry" which owns and operates a laboratory exclusively for its patients, or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients, at stated locations when testing is limited to tests personally performed by a physician, podiatrist or dentist and the following tests which are set forth in Section 450.35(a):

The Registration Laboratory must register annually with the Department on the form set forth as Appendix A in this rulemaking and has no other regulatory requirements when conducting the listed tests for its clients or patients at its stated location(s). However, if a Registration Laboratory conducts tests other than those listed it must seek another level of classification. Furthermore, health screening activities under Section 1-103 and 2-120 may be conducted by laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health

screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, 450.1330. A "Registration" Laboratory is not exempt from the provisions of the rules concerning health screening.

The Department expects physicians, podiatrists, dentists, local health authorities, and designated agencies to seek "Registration" Laboratory status.

2. Class I Laboratory;

As set forth in this rulemaking, a "Class I Permit" laboratory can be any "single practice of medicine, podiatry or dentistry" which owns and operates a laboratory exclusively for its patients or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients at stated locations when testing is limited to simple tests as defined in this rulemaking and some or all testing is done by someone other than the physician, podiatrist or dentist.

The "Class I Permit" laboratory must obtain a permit annually with the Department on the form set forth as Appendix A in this rulemaking. Generally, the other major requirements are as follows:

1. the minimum level for the qualifications of the laboratory director include any physician (i.e. MD or DC), dentist, podiatrist, or person with at least a masters degree with a major in chemical or biological sciences.

2. the minimum level for the qualifications of laboratory personnel include a laboratory assistant. Section 450.450 in this rulemaking specifies that a laboratory assistant is any person who meets the education and experience requirements set by the laboratory director.

3. the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.

4. the minimum level of quality control requires such testing for all tests conducted by the laboratory.

The Department expects physicians, podiatrists, dentists, local health authorities, and designated agencies to seek "Class I Permit" Laboratory status. Health screening activities under Section 1-103 and 2-120 may be conducted by class I laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, 450.1330 of this rulemaking.

3. Class II Laboratory;

As set forth in this rulemaking, a "Class II Permit" laboratory can be any laboratory at a stated location operated and maintained exclusively for the patients of physicians, podiatrists or dentists at that location and who own the laboratory or are employed by the owner, or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients or for clients or patients of other local health departments or designated agencies at stated locations, when testing is limited to registration, simple or complex tests as defined in this rulemaking.

The "Class II Permit" laboratory must obtain a permit annually with the Department on the form set forth as Appendix A in this rulemaking. Generally, the other major requirements are as follows:

1. the minimum level for the qualifications of the laboratory director include a physician licensed to practice medicine in all its branches, or a person with at least a masters degree with a major in chemical or biological sciences.

2. the minimum level for the qualifications of laboratory personnel include a laboratory technician. Section 450.440 in this rulemaking specifies that a laboratory technician is any person who completes at least 60 hours of academic credit including chemistry and biology, a high school graduate who has completed a 1 year accredited training program, or a high school graduate who has completed an official military medical laboratory procedures course of at least 50 weeks.

3. the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.

4. the minimum level of quality control requires such testing for all tests conducted by the laboratory.

The Department expects physicians, local health authorities, and designated agencies to seek "Class II Permit" laboratory status. Health screening activities under Section 1-103 and 2-120 may be conducted by class II laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, 450.1330.

4. Class III Laboratory;

As set forth in this rulemaking, a "Class III Permit" laboratory can be any laboratory which is operated and maintained exclusively for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the purposes of conducting health screening tests by a person, corporation, organization, association or group directly or indirectly on a for profit basis. The health screening tests are listed as glucose and cholesterol by fingerstick in this rulemaking.

The "Class III Permit" laboratory must obtain a permit annually with the Department on the form set forth as Appendix B in this rulemaking and must comply with Sections 450.1300, 450.1310, 450.1320, 450.1330. The "Class III Permit" laboratory has no other regulatory requirements. Generally, the other major requirements are as follows:

1. the minimum level for the qualifications of the laboratory director include a physician licensed to practice medicine in all its branches, or a person with at least a masters degree with a major in chemical or biological sciences.

2. the minimum level for the qualifications of laboratory personnel include a laboratory assistant or laboratory technician.

   Section 450.450 in this rulemaking specifies that a laboratory assistant is any person who meets the education and experience requirements set by the laboratory director.

   Section 450.440 in this rulemaking specifies that a laboratory technician is any person who completes at least 60 hours of academic credit including chemistry and biology, a high school graduate who has completed a 1 year accredited training program, or a high school graduate who has completed an official military medical laboratory procedures course of at least 50 weeks.

3. the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.

4. the minimum level of quality control requires such testing for all tests conducted by the laboratory.

The Department expects corporation and groups to seek "Class III Permit" laboratory status.

5. Licensed Laboratory.

As set forth in this rulemaking, a "Licensed" laboratory can be any laboratory at a stated location regardless of ownership which accepts specimens from a person authorized by law to submit such specimens when testing is limited to that which is within the qualifications of the Director as set forth in this rulemaking.

The "Licensed" laboratory must obtain a license annually with the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Department on the form set forth as Appendix A in this rulemaking. Generally the other major requirements are as follows:

1. the minimum level for the qualifications of the laboratory director include a physician licensed to practice medicine who is Board certified or eligible or who possess acceptable qualifications as set forth in this rulemaking, or a person with at least a masters degree with a major in chemical or biological sciences.

2. the minimum level for the qualifications of laboratory personnel include a general supervisor. Section 450.410 in this rulemaking specifies that a general supervisor may be any physician with additional qualifications, a medical technologist, a person with a masters degree in medical laboratory science or other similarly qualified individuals.

3. the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.

4. the minimum level of quality control requires such testing for all tests conducted by the laboratory.

The Department expects physicians, corporations, individuals, local health authorities, and others to seek "Licensed" Laboratory status. Health screening activities under Section 1-103 and 2-120 may be conducted by a licensed laboratory at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, 450.1330.

Under the existing clinical laboratory rules (77 Ill. Adm. Code 450.30(b)(7)) and until this rulemaking is adopted circa July 1, 1989, local health department laboratories are exempt from licensure in the following situation:

PUBLIC HEALTH LABORATORIES WHICH MEET THE PROVISIONS OF SECTION 1-103(e) OF THE ILLINOIS CLINICAL LABORATORY ACT AND WHICH RESTRICT THEIR CLINICAL LABORATORY TESTING TO THE FOLLOWING: SMEARS AND CULTURES FOR NEISSERIA GONORRHEAE, WET MOUNTS FOR YEAST OR TRICHOMONAS, SYPHILIS SEROLOGY, SEMI/QUANTITATIVE CHORIONIC GONADOTROPIN, GLUCOSE, URINALYSIS (LIMITED TO DIP-STICK AND MICROSCOPIC FOR RED AND WHITE CELLS), HEMATOCRIT, HEMOGLOBIN, AND RBC SICKLE CELL SCREENING.

Pursuant to emergency rules to be adopted October 28, 1988, local health departments will also be able to conduct health screenings without a license or permit until July 1, 1989 if done on a not for profit or free of charge basis. The health screening tests can be in addition to those

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

tests presently permissible without a license.

Under this rulemaking, Local health authorities and designated agencies may choose how they wish to be regulated based upon the tests performed and the manner in which the tests are performed. All local health authorities and designated agencies are regulated in one fashion or another under this rulemaking and the Illinois Clinical Laboratory Act. At a minimum, if local health authorities and designated agencies only perform health screenings then they must comply with Section 2-120 of the Act and Sections 450.1300, 450.1310, 450.1320 and 450.1330.

However, if local health authorities conduct health screenings and all or some of the listed registration class tests then the local health authority must comply with Section 1-103 and 2-120 of the Act and Sections 450.35, 450.1300, 450.1310, 450.1320 and 450.1330 of this rulemaking.

In addition, the Department is revising the proficiency testing requirements by allowing enrollment in multiple programs, the quality control provisions to update procedures and add procedures concerning mass spectrometry, cytogenetics, toxicology, cytology, and the Blood Banking rules are being deleted from this Part and will be reproposed under a separate Part number.

Every single section in these rules is being amended in some way. Therefore, the entire Part or set of rules is open for comment by the public both existing language and added language. The Department will appreciate comments on any section of the proposed amendments.

The economic effect of this rulemaking on the regulated public is unknown. The Department invites any detailed comments on potential costs associated with this rulemaking.

The Department anticipates adopting this rulemaking by July 1, 1989 and phasing in implementation until January 1, 1990.

The next page is a breif table setting forth the requirements for each level of regulation under the Act and this rulemaking.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

	REGISTRATION	CLASS I PERMIT	CLASS II PERMIT	CLASS III PERMIT	HEALTH SCREENING (PROTOCOL)	LICENSE
ELIGIBILITY CRITERIA	Single practice medicine, podiatry, dentistry or local health authority or designated agency Single practice medicine includes: M.D.s, D.O.s, D.C.	Single practice medicine, podiatry, dentistry or local health authority or designated agency Single practice medicine includes: M.D.s, D.O.s, D.C.	Owner where lab operated exclusively for patients of physicians, podiatrists, or dentists who own lab or are employed by the owner or local health authority or designated agency or Class I	Owner where lab operated exclusively for health screening for-profit basis either directly or indirectly	Any laboratory	Owner to operate lab to accept specimens from any persons authorized to submit such specimens
DIRECTOR REQUIREMENTS	None	M.D., D.O., D.D.S., D.P.M., D.C., PhD., M.S., or Grandfathered who meets regulations	M.D., D.O., PhD., M.S., or Grandfathered who meets regulations	M.D., D.O., PhD., M.S., or Grandfathered who who meets regulations	Non profit testting no requirements except a protocol For-profit testing Class III permit	M.D., D.O., PhD., M.S., or Grandfathered who meets regulations
PERSONNEL OTHER THAN DIRECTOR (Minimum)	None	Lab. assistant, if any	Technician or Technologist	Technician or Laboratory Assistant	None	General supervisor, if director not present full time
FEES	None Annual Registration	Annual Initial $50 Renewal $25	Annual Initial $100 Renewal $ 50	Annual Initial $200 Renewal $100	None	Annual Initial $300 Renewal $150
IDPH INSPECTION FREQUENCY	None	None	2 1/2 years	2 years	None	1 year
PROFICIENCY TESTING	None	Required for tests offered	Required for tests offered	None	None	Required for tests offered
TEST PERMISSIBLE	List of registrated tests	Registered & simple tests	Registered & simple & complex tests	Cholesterol & glucose	Cholesterol & glucose	Any tests as long as Director qualifies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:

March 13, 1989
10:00 a.m.
Illinois Department of Public Health
Region 5 Office - Marion
2309 West Main Street
Marion, Illinois 62959
(618) 997-4371, ext. 345

March 14, 1989
9:00 a.m. - Ground Floor Hearing Room
Illinois Department of Public Health
525 West Jefferson Street
Springfield, Illinois 62761

March 15, 1989
10:00 a.m.
Rock Island County Health Department
2112 - 25th Avenue
Rock Island, Illinois 61201
(309) 793-1955

March 16, 1989
10:00 a.m. - Ninth Floor, Room 904
DePaul University College of Law-Health Law Institute
25 East Jackson Boulevard
Chicago, Illinois 60604

March 17, 1989
10:00 a.m.
Illinois Hospital Association
1151 East Warrenville Road
Naperville, Illinois 60566

Other Pertinent Information Concerning this Rulemaking:

The hearings will be for the purpose of gathering public comment on the implementation of these amendments. Persons interested in presenting testimony at this hearing is advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

2. Each person presenting oral testimony will be limited to ten (10) minutes for the presentation of such testimony.

3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as the Hearing Officer deems necessary.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ___ No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No ___

If "yes," please specify type: 6.02(a) X or 6.02(b) X

9) Are there any other Proposed Amendments Pending on this Part?

Yes X No ___

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
450.1300	New Section	12 Ill. Reg. 19327
450.1310	New Section	12 Ill. Reg. 19327
450.1320	New Section	12 Ill. Reg. 19327
450.1330	New Section	12 Ill. Reg. 19327

10) Statement of Statewide Policy Objectives:

This rulemaking should neither create nor expand a state mandate. These regulations are the minimum requirements the Department believes necessary in order to ensure the quality of laboratory services to the citizens of the State of Illinois as required by law.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

See Complete Description of Subjects and Issues for public hearing notices.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

February 3, 1989

B) Type of Small Businesses Affected:

Laboratories, physicians, dentists, podiatrists, and other entities which conduct laboratory testing.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Various reporting and bookkeeping requirements including:

1. Applications for registration, permits or licenses;

2. Notification of Health Screening Events

3. Personnel Qualification Forms

D) Types of Professional Skills Necessary for Compliance:

Laboratory skills.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: LABORATORIES AND BLOOD BANKS

PART 450
ILLINOIS CLINICAL LABORATORIES CODE ~~AND BLOOD BANKS~~

SUBPART A: GENERAL

Section
450.05 Scope and Applicability
450.10 Definitions
450.20 ~~Laboratories and Blood~~ Registration, Permit and License Application
450.30 Laboratories ~~and Blood Banks~~ required to be licensed, have a permit, or be registered
450.35 Testing Limitations for Registration, Permit, and Licensed Laboratories
450.40 Penalties and Fines
450.50 Incorporated Materials

SUBPART B: DIRECTORS OF CLINICAL LABORATORIES ~~AND BLOOD BANKS~~

Section
450.210 Qualification of the Director of a Clinical Laboratory ~~or a Blood Bank~~
450.220 Operational Participation of the Director
450.230 Number of Laboratories Permitted to Operate

SUBPART C: LOCATION, CONSTRUCTION AND SANITATION

Section
450.310 Location
450.320 Conformance to local ordinances
450.330 Safety and Sanitation Manual ~~Requirements~~

SUBPART D: QUALIFICATIONS OF PERSONNEL ~~HAVING RESPONSIBILITY FOR THE CONDUCT AND OPERATION OF THE LABORATORY~~

Section
450.410 General ~~Supervisor~~
450.420 Medical Technologist
450.430 Cytotechnologist
450.440 Technician
450.450 Laboratory Assistant

SUBPART E: EQUIPMENT

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section
450.510 Facilities and Equipment
450.520 Preventive Maintenance of Equipment and Instruments
450.530 Glassware (Repealed)
450.540 Lancets, Needles and Syringes (Repealed)
450.550 Electrical Equipment (Repealed)
450.560 Photometric and Spectrophotometric Equipment (Repealed)
450.570 Analytic balances and Weights (Repealed)

SUBPART F: OUT OF STATE LABORATORIES ~~AND BLOOD BANKS~~

Section
450.610 Criteria for Licensure

SUBPART G: PROFICIENCY SURVEY PROGRAM AND INSPECTION OF FACILITIES

Section
450.710 Inspections
450.720 Proficiency Survey Program
450.730 Western Blot Assay Testing Procedures

SUBPART H: SPECIAL REQUIREMENTS PERTAINING TO BLOOD BANKS

Section
450.810 General (Repealed)
450.820 Applicability of Other Parts of the Regulations (Repealed)
450.830 Donors and Donor Blood/Criteria for Donor Selection (Repealed)
450.835 Directed Blood Donations (Repealed)
450.840 Donors and Donor Blood/Identification of Donor Blood (Repealed)
450.845 Donors and Donor Blood/Storage and Transportation (Repealed)
450.848 Preparation of Blood Components (Repealed)
450.850 Plasmapheresis (or Plateletpheresis) (Repealed)
450.860 Autologous Transfusion (Repealed)
450.870 Transfusion Service Records (Repealed)

SUBPART I: PROHIBITED PRACTICE

Section
450.910 Prohibition Against Free Trial Tests (Repealed)
450.920 Terms Not to be Used in Names of ~~Blood Banks or~~ Laboratories
450.930 Prohibitions in Advertising and Announcements
450.940 Acceptance of Specimens and Reporting of Results
450.950 Referral of Specimens for Examination to Unlicensed Laboratories

SUBPART J: RECORDS AND REPORTS

Section
450.1010 Necessary Records

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: QUALITY CONTROL

Section
450.1110 Responsibilities of Director
450.1120 Reference Materials
450.1130 Preventative Corrective Maintenance Program
450.1140 Procedure Manuals
450.1150 Quality Control System Methodologies
450.1155 Cytology

SUBPART L: HIV CONTAMINATED BLOOD AND HUMAN TISSUE

Section
450.1200 Handling and Disposal of HIV Contaminated Blood and Human Tissue

SUBPART M: HEALTH SCREENING

450.1300 Health Screening and Approved Health Screening Tests
450.1310 Protocol for Conducting Health Screening
450.1320 Application for a Class III Permit to Conduct Health Screening
450.1330 Reporting and Notification
Appendix A Appendix for Registration, Class I Permit, Class II Permit, and Licensed Laboratory
Appendix B Application for Class III Permit Laboratory

Authority: Implementing and authorized by the Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 621 et seq., as amended by P.A. 85-1025, effective June 30, 1988; P.A. 85-1202, effective August 25, 1988; P.A. 85-1251, effective August 30, 1988.).

SOURCE: Amended November 16, 1970; amended at 2 Ill. Reg., p. 87, effective November 5, 1978; amended at 4 Ill. Reg. 33, p. 224, 225 and 228, effective August 6, 1980; amended at 6 Ill. Reg. 4151, effective April 5, 1982; amended at 7 Ill. Reg. 7643, effective June 14, 1983; codified at 8 Ill. Reg. 19488; amended at 9 Ill. Reg. 20709, effective January 3, 1986; emergency amendment at 10 Ill. Reg. 307, effective January 3, 1986, for a maximum of 150 days, amended at 10 Ill. Reg. 10712, effective June 3, 1986; amended at 12 Ill. Reg. 10,018, effective May 27, 1988; emergency amendment at 12 Ill. Reg. 19518, effective October 28, 1988 for a maximum of 150 days, amended at 13 Ill. Reg. _____, effective _____; amended at 13 Ill. Reg. _____, effective _____.

Section 450.05 Scope and Applicability

a) The major thrust of this regulatory scheme to require some form of licensure or registration of all entities which perform analysis of human specimens under the following five stage classification scheme:

1) Registration Laboratory;

2) Class I Permit Laboratory;

3) Class II Permit Laboratory;

4) Class III Permit Laboratory;

5) Licensed Laboratory.

b) All laboratories will be regulated one of these five levels of classification depending upon the tests they conduct, the source of the specimens, and organizational structure. Each of these levels, except the registration class, has regulatory requirements concerning the qualifications of the laboratory director, qualifications of laboratory personnel, proficiency testing and quality control as set forth in this Part.

1) Registration Laboratory

A) In order to qualify as a "Registration" laboratory, the laboratory must meet the definition of a "Class I Permit" laboratory and only conducts those tests specified in the regulations. As set forth in the Act and this Part, a "Registration" laboratory can be any "single practice of medicine, podiatry or dentistry" which owns and operates a laboratory exclusively for its patients, or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients, at stated locations when testing is limited to tests personally performed by a physician, podiatrist or dentist and the following tests which are set forth in Section 450.35(a).

B) The Registration Laboratory must register annually with the Department on the form set forth as Appendix A in this rulemaking and has no other regulatory requirements when conducting the listed tests for its clients or patients at its stated location(s). However, if a Registration Laboratory conducts tests other than those listed it must seek another level of classification. Furthermore, health screening activities under Section 1-103 and 2-120 may be conducted by laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, 450.1330. A "Registration" Laboratory is not exempt from the provisions of the rules concerning health screening.

C) The Department expects physicians, podiatrists, dentists, local health authorities, and designated agencies to seek "Registration" Laboratory status.

2) Class I Laboratory;

A) As set forth in this Part, a "Class I Permit" laboratory can be any "single practice of medicine, podiatry or dentistry" which owns and operates a laboratory exclusively for its patients or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients at stated locations when testing is limited to simple tests as defined in this rulemaking and some or all testing is done by someone other than the physician, podiatrist or dentist.

B) The "Class I Permit" laboratory must obtain a permit annually with the Department on the form set forth as Appendix A in this rulemaking. Generally, the other major requirements are as follows:

i) the minimum level for the qualifications of the laboratory director include any physician (i.e. MD or DC), dentist, podiatrist, or person with at least a masters degree with a major in chemical or biological sciences.

ii) the minimum level for the qualifications of laboratory personnel include a laboratory assistant. Section 450.450 in this rulemaking specifies that a laboratory assistant is any person who meets the education and experience requirements set by the laboratory director.

iii) the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.

iv) the minimum level of quality control requires such testing for all tests conducted by the laboratory.

C) The Department expects physicians, podiatrists, dentists, local health authorities, and designated agencies to seek "Class I Permit" Laboratory status. Health screening activities under Section 1-103 and 2-120 may be conducted by class I laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310,

450.1320, 450.1330 of this rulemaking.

3) Class II Laboratory

A) As set forth in this Part, a "Class II Permit" laboratory can be any laboratory at a stated location operated and maintained exclusively for the patients of physicians, podiatrists or dentists at that location and who own the laboratory or are employed by the owner, or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients or for clients or patients of other local health departments or designated agencies at stated locations, when testing is limited to registration, simple or complex tests as defined in this Part.

B) The "Class II Permit" laboratory must obtain a permit annually with the Department on the form set forth as Appendix A in this rulemaking. Generally, the other major requirements are as follows:

i) the minimum level for the qualifications of the laboratory director include a physician licensed to practice medicine in all its branches, or a person with at least a masters degree with a major in chemical or biological sciences.

ii) the minimum level for the qualifications of laboratory personnel include a laboratory technician. Section 450.440 in this rulemaking specifies that a laboratory technician is any person who completes at least 60 hours of academic credit including chemistry and biology, a high school graduate who has completed a 1 year accredited training program, or a high school graduate who has completed an official military medical laboratory procedures course of at least 50 weeks.

iii) the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.

iv) the minimum level of quality control requires such testing for all tests conducted by the laboratory.

C) The Department expects physicians, local health authorities, and designated agencies to seek "Class II Permit" laboratory status. Health screening activities

under Section 1-103 and 2-120 may be conducted by class II laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, 450.1330.

4) Class III Laboratory;

A) As set forth in this Part, a "Class III Permit" laboratory can be any laboratory which is operated and maintained exclusively for the purposes of conducting health screening tests by a person, corporation, organization, association or group directly or indirectly on a for profit basis. The health screening tests are listed as glucose and cholesterol by fingerstick in this Part.

B) The "Class III Permit" laboratory must obtain a permit annually with the Department on the form set forth as Appendix B in this Part and must comply with Sections 450.1300, 450.1310, 450.1320, 450.1330. The "Class III Permit" laboratory has no other regulatory requirements. Generally, the other major requirements are as follows:

i) the minimum level for the qualifications of the laboratory director include a physician licensed to practice medicine in all its branches, or a person with at least a masters degree with a major in chemical or biological sciences.

ii) the minimum level for the qualifications of laboratory personnel include a laboratory assistant or laboratory technician.

Section 450.450 in this rulemaking specifies that a laboratory assistant is any person who meets the education and experience requirements set by the laboratory director.

Section 450.440 in this rulemaking specifies that a laboratory technician is any person who completes at least 60 hours of academic credit including chemistry and biology, a high school graduate who has completed a 1 year accredited training program, or a high school graduate who has completed an official military medical laboratory procedures course of at least 50 weeks.

iii) the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.

iv) the minimum level of quality control requires such testing for all tests conducted by the laboratory.

C) The Department expects corporation and groups to seek "Class III Permit" laboratory status.

5) Licensed Laboratory.

A) As set forth in this Part, a "Licensed" laboratory can be any laboratory at a stated location regardless of ownership which accepts specimens from a person authorized by law to submit such specimens when testing is limited to that which is within the qualifications of the Director as set forth in this Part.

B) The "Licensed" laboratory must obtain a license annually with the Department on the form set forth as Appendix A in this Part. Generally the other major requirements are as follows:

i) the minimum level for the qualifications of the laboratory director include a physician licensed to practice medicine who is Board certified or eligible or who possess acceptable qualifications as set forth in this rulemaking, or a person with at least a masters degree with a major in chemical or biological sciences.

ii) the minimum level for the qualifications of laboratory personnel include a general supervisor. Section 450.410 in this rulemaking specifies that a general supervisor may be any physician with additional qualifications, a medical technologist, a person with a masters degree in medical laboratory science or other similarly qualified individuals.

iii) the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.

iv) the minimum level of quality control requires such testing for all tests conducted by the laboratory.

C) The Department expects physicians, corporations,

individuals, local health authorities, and others to seek "Licensed" Laboratory status. Health screening activities under Section 1-103 and 2-120 may be conducted by a licensed laboratory at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, 450.1330.

(Source: Added at 13 Ill. Reg. _____, effective _____)

SUBPART A: GENERAL

Section 450.10 Definitions

"Accredited Institution" or "Accredited College or University" means a college or university located in the United States which has been accredited by one of the regional accreditation programs recognized by the U.S. Office ~~Commissioner~~ of Education or a college or university located outside the United States where the individual provides documentation that his-her education is equivalent to that provided in the United States by: documenting that the foreign degree has been accepted by an accredited institution in the United States at which the person is or was enrolled in a graduate program; or having his-her credentials evaluated by the Credentials Evaluation Service, Inc., Los Angeles, California.

"Act" or "Clinical Laboratory Act" means "Illinois Clinical Laboratory Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 621 et seq as amended by P.A. 85-1025, effective June 30, 1988; P.A. 85-1202, effective August 25, 1988; P.A. 85-1251 effective August 30, 1988.).

"Approved Clinical Laboratory" means a clinical laboratory ~~,~~ (with a director at the doctoral level) ~~,~~ of a hospital, health department, university, or medical research institution; or, a clinical laboratory having a license or class II permit ~~licensed~~ under the Clinical Laboratory Act; or a blood bank licensed under the Blood Bank Act; or a clinical laboratory licensed under the Clinical Laboratories Improvement Act of 1967; or, a clinical laboratory approved under 42 CFR 405, Subpart M, ~~effective September 30, 1977~~.

"Blood Bank Act" means the "Illinois Blood Bank Act", (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 601-101 et seq.)

~~Health Maintenance Organization" shall mean any person or organization which has received a Certificate of Authority to operate~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~a Health Maintenance Organization in the State of Illinois, as defined in the "Health Maintenance Organization Act," Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1401 et seq. as now or hereafter amended.~~

~~"Multiphasic Health Screening" means the combination of various physiological, biophysical, and clinical laboratory procedures for the purpose of assessing the general state of health of human subjects. For the purpose of the Clinical Laboratory Act, a multiphasic health screening facility is considered to be a clinical laboratory only if the clinical laboratory procedures listed under 450.10(c) are actually performed on the premises of the multiphasic health screening facility. Those multiphasic health screening facilities which do not perform clinical laboratory procedures on the premises must refer all laboratory work to a laboratory licensed either by the Illinois Department of Public Health or if out of state, by the Department of Health and Human Services.~~

~~"Registration Act" means the "Illinois Clinical Laboratory Act," (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 621 101 et seq.) approved August 21, 1963.~~

"CLASS I PERMIT" MEANS (A) A PERMIT ISSUED TO A SINGLE PRACTICE OF MEDICINE, PODIATRY OR DENTRISTY TO OWN AND OPERATE A CLINICAL LABORATORY AT STATED LOCATIONS EXCLUSIVELY FOR THE PATIENTS OR THE MEMBERS OF THAT PRACTICE, AND IS LIMITED TO SIMPLE TESTS AND THOSE TEST OR CATEGORIES OF TESTS SET FORTH BY THE REGULATIONS PROMULGATED PURSUANT TO THIS ACT; OR

(B) A PERMIT ISSUED TO A LOCAL HEALTH AUTHORITY OR DESIGNATED AGENCY TO OWN AND OPERATE A CLINICAL LABORATORY AT STATED LOCATIONS WITHOUT ACCEPTANCE OF REFERRED TESTING, AND IS LIMITED TO THOSE TESTS OR CATEGORIES OF TESTS SET FORTH BY REGULATIONS PROMULGATED PURSUANT TO THIS ACT. (Section 2-108 of the Act)

"CLASS II PERMIT" MEANS (A) A PERMIT ISSUED TO THE OWNER OF A CLINICAL LABORATORY AT A STATED LOCATION IN WHICH THE LABORATORY IS OPERATED AND MAINTAINED EXCLUSIVELY FOR THE PATIENTS OF THE PHYSICIANS, PODIATRISTS OR DENTISTS WHO PRACTICE AT THAT LOCATION AND WHO OWN THE LABORATORY OR ARE EMPLOYED BY THE OWNER.

(B) A PERMIT ISSUED TO A LOCAL HEALTH AUTHORITY OR DESIGNATED AGENCY TO OWN AND OPERATE A CLINICAL LABORATORY AT STATED LOCATIONS AND AT WHICH REFERRED TESTING MAY BE ACCEPTED FROM OTHER LOCAL HEALTH AUTHORITIES OR DESIGNATED AGENCIES; OR

(C) A CLINICAL LABORATORY WHICH FITS THE DEFINITION OF A CLASS I PERMIT LABORATORY BUT PERFORMS MORE COMPLEX TESTS THAN THOSE UNDER A CLASS I PERMIT.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TESTS PERFORMED BY A LABORATORY HOLDING A CLASS II PERMIT SHALL BE LIMITED TO THOSE TESTS OR CATEGORIES OF TESTS SET FORTH IN THE REGULATIONS PROMULGATED PURSUANT TO THIS ACT. (Section 2-109 of the Act)

"CLASS III PERMIT" MEANS A PERMIT ISSUED TO THE ONWER OF A CLINICAL LABORATORY WHICH IS OPERATED AND MAINTAINED EXCLUSIVELY FOR THE PURPOSE OF CONDUCTING HEALTH SCREENING TESTS BY A PERSON, CORPORATION, ORGANIZATION, ASSOCIATION OR GROUP WHICH PROVIDES HEALTH SCREENING SERVICES IN ACCORDANCE WITH PROVISIONS OF SECTION 2-120 EITHER DIRECTLY OR INDIRECTLY ON A FOR-PROFIT BASIS. (Section 2-100 of the Act)

~~"Clinical Laboratory Act" means the "Illinois Clinical Laboratory Act," Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 621 101 et seq.~~

"CLINICAL LABORATORY" OR "LABORATORY" MEANS A FACILITY WHICH PERFORMS LABORATORY TESTS OR ISSUES REPORTS RESULTING FROM SUCH TESTS. (Section 2-103 of the Act)

"Controlled Subtance" means a drug, substance, or immediate precursor as defined in the "Illinois Controlled Substances Act" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 1100 et seq., as now and hereafter amended.)

"Dental Practice Act" means "The Illinois Dental Practice Act" (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq. as now and hereafter amended.

"Demonstration of proficiency" means the laboratory meets the standards for acceptable proficiency testing as stated in Section 450.720(f) by means of on site analysis of specimens sent to the laboratory by agencies approved by the Department for that purpose.

"Department" means the Illinois Department of Public Health.

"DESIGNATED AGENCY" MEANS AN ASSOCIATION, ORGANIZATION, GROUP OR AGENCY WHICH OPERATES A CLINICAL LABORATORY FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF A STATE OR FEDERAL PROGRAM. (Section 2-122 of the Act).

"Full-time experience" means experience in the field being referred to consisting of at least 35 hours per week conducting activities required by the specific position or field such as conducting the tests referred in to in Section 2-103 of the Act.

"Hospital Licensing Act" means the "Hospital Licensing Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 142 et seq. as now and hereafter

amended.)

"LICENSE" MEANS A LICENSE ISSUED TO THE OWNER, LOCAL HEALTH AUTHORITY OR DESIGNATED AGENCY OR PERSON TO OPERATE A CLINICAL LABORATORY AT A STATED LOCATION TO ACCEPT SPECIMENS FROM ANY PERSON AUTHORIZED TO SUBMIT SUCH SPECIMENS UNDER THIS ACT, WITH TEST LIMITATIONS BASED UPON THE QUALIFICATIONS OF THE DIRECTOR AS SET FORTH BY THE REGULATIONS PROMULGATED PURSUANT TO THIS ACT. (SECTION 2-111 OF THE ACT).

"LOCAL HEALTH AUTHORITY" MEANS THE FULL-TIME, OFFICIAL HEALTH DEPARTMENT OR BOARD OF HEALTH, AS RECOGNIZED BY THE DEPARTMENT, WHICH HAS JURISDICTION OVER A PARTICULAR GEOGRAPHICAL AREA. (Section 2-121 of the Act).

"Medical Practice Act" means the "Medical Practice Act of 1987" (Ill. Rev. Stat. 1987, ch. 111, pars. 4401 et seq. as now and hereafter amended.

"PHYSICIAN" MEANS, UNLESS OTHERWISE INDICATED IN THIS ACT, (A) A PERSON LICENSED BY THE DEPARTMENT OF PROFESSIONAL REGULATION, PURSUANT TO THE REQUIREMENTS OF THE MEDICAL PRACTICE ACT OF 1987; (i.e. a physician licensed to practice medicine in all its branches and a chiropractic physician) OR (B) A PERSON LICENSED AS A PHYSICIAN UNDER THE LAWS OF ANOTHER STATE OR TERRITORY OF THE UNITED STATES. (Section 2-116 of the Act).

"Podiatry Act" means "Podiatric Medical Practice Act of 1987" (Ill. Rev. Stat. 1987, ch. 111, pars. 4801 et seq. as now and hereafter amended.

"Prepackaged Reagent Analyser" means an automated instrument in which a specimen or a diluted specimen is reacted with reagents contained within individual packet(s) containing all of the measured reagents required for the analysis for a given analyte.

"PROFICIENCY TESTING" MEANS A PROGRAM FOR MONITORING LABORATORY PERFORMANCE ON A PERIODIC BASIS WHICH IS ADOPTED OR APPROVED BY THE DEPARTMENT. (Section 1-123 of the Act).

"TEST" MEANS LABORATORY EXAMINATIONS AND ISSUANCE OF REPORTS RESULTING FROM THE BIOLOGICAL, MICROBIOLOGICAL, SEROLOGICAL, CHEMICAL, IMMUNOHEMATOLOGICAL, RADIOIMMUNOLOGICAL, HEMATOLOGICAL, BIOPHYSICAL, CYTOLOGICAL, PATHOLOGICAL, TOXICOLOGICAL OR OTHER EXAMINATION OF MATERIALS DERIVED FROM THE HUMAN BODY FOR THE PURPOSES OF PROVIDING INFORMATION FOR THE DIAGNOSIS, PREVENTION OF TREATMENT OF ANY DISEASE OR IMPAIRMENT OF, OR THE ASSESSMENT OF, THE HEALTH OF HUMANS INCLUDING DETERMINING DRUG USE BY HUMANS. (SECTION 2-117 OF

THE ACT).

"Toxicology Laboratory" means a licensed laboratory which performs test to detect drug abuse in the workplace, among job applicants, or for other similar purposes.

"SIMPLE TEST" MEANS A TEST OR CATEGORIES OF TESTS WHICH GENERALLY HAVE THE FOLLOWING CHARACTERISTICS:

INTERPRETATION OF VISUAL SIGNAL BY PATTERN RECOGNITION, COLOR DEFINITION OR NUMERIC INFORMATION USING AN ESTABLISHED CONTROL EXAMPLE which can be observed directly by the operator and requires no manipulation or interpolation by the operator to derive a result;

THE USE OF SIMPLE ADDITION, SUBTRACTION, MULTIPLICATION OR DIVISION; OR

THE USE OF MANUFACTURER-PREPARED REAGENTS OR SOLUTIONS WHICH ARE COMBINED WITHOUT REQUIRING NUMEROUS (i.e. no more than five) SPECIFIC CALIBRATED VOLUME MEASUREMENTS OR SEQUENTIAL APPLICATIONS. Such tests include the following as examples:

When used below the following notations refer to: "V" represents the "Vision" by Abbott Laboratories, "S" represents the "Seralyzer" by Ames Division of Miles Laboratories, "R" represents the "Reflotron" by Boehringer Mannheim, "E" represents the "Ektochem DT60" by Eastman Kodak Company, "B" represents the "QBC" by Becton Dickinson "C" represents the "coumatrak" by DuPont "D" represents the "Chem Pro 500" by Johnson and Johnson "H" represents the "Digital Urinometer" by Biovation "T" represents the "Coulter T-series" by Coulter Electronics, Inc. "A" represents the "Model 614 Na/K and 634 Ca/PH and 644 NA/K/Cl

albumin using V
alkaline phosphatase using V or E
alanine amino transferase (ALT) using V, S, R or E
ammonid using E
amylase using V, R or E
aspartate amino transferase (AST) using V, S, R or E
bilbirubin (total) using V, S, R or E
calcium using V or E
chloride using E
cholesterol using V, S, R or E
creative phosphokinase (CPK) using S or E
creative using V, S or E
glutamyl transpeptisade (GGT) using V, R or E
HDL-cholesterol using V or E

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

hemoglobin using V, S, R or E
inorganic phosphorus using E
lactic dehydrogenase using V, S or E
analyses by Cebd Corning
platelet count using B, T
white blood cell count using B, T
total granulocyte count using B
total lymphocyte count using B
red blood cell count using T
hematocrit using T
mean cell volume of RBCs using T
prothrombin time using C
mean corpuscular Hgb using T
mean corpuscular Hgb concentration using T
urine specific gravity using H
lipase using E
carbon dioxide using E
magnesium using E or
potassium using V, S or E
sodium using E or
theophylline using V, S or E
total protein using V or E
triglycerides using V, S, R or E
ured nitrogen (BUN) using V, S, R or E
uric acid using V, S, R or E
C-reactive protein using V

INTERPRETATION OF THE TYPES OF TESTS OR CATEGORIES OF TEST WHICH MEET THIS DEFINITION SHALL BE DETERMINED BY THE DEPARTMENT IN CONSULTATION WITH THE ADVISORY BOARD. (Section 2-118 of the Act).

"Single practice" means a medical, dental or podiatric pratice, partnersnip, professional service corporation or medical corporation of one or more licensed practitioners who share facilities, personnel, income and expenses for a clinical laboratory that is used solely as an adjunct to the care of patients of the members of the single practice.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.20 ~~Laboratories and Blood~~ Registration, Permit and License Application

a) ~~A license shall not be issued to the owner and director jointly, when the owner is not the director.~~

~~b)~~ All applications shall be submitted on forms provided by the Department, shall be ~~under oath~~ notarized, and shall include all information requested on the form.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

b)~~c)~~ ~~An applicant for an original (means initial) license shall be accompanied by a license fee of $100, and all applications for renewal of license shall be accompanied by a renewal fee of $50.~~ If during the calendar year in which the license, permit, or renewal thereto has been issued there is a change of ~~director,~~ owner, location or name of the laboratory ~~or blood bank~~, the Department shall be notified prior to such change. ~~If the contemplated change is in compliance with this Act and regulations pertaining thereto, the fee for such new license shall be $50.~~

c)~~d)~~ If the license or permit is to be issued to two or more persons who are co/owners ~~or co/directors, or to an owner and a director, or any combination thereof~~, all such persons shall be identified upon the application for license or permit or renewal of license or permit and all such persons shall sign such applications ~~under oath.~~ and it shall be notarized.

d) An application for a license or permit, where the owner is a corporation, shall clearly disclose the names of all persons owning 5% or more of the shares of the corporation. A duly authorized officer of the corporation shall sign the application and it shall be notarized.

e) The description of the program shall be provided in sufficient detail to permit the Department to determine the fields of science represented by the services of the laboratory ~~or blood bank~~ and the tests which may fall within the scope of its program and services.

f) Applications for Permits and Licensure must be submitted to the Department by (3 months from effective date of this rulemaking). The Department shall issue the appropriate permits and licenses by (6 months from the effective date of this rulemaking). Registration laboratories must simply file a registration form.

~~Licenses may be revoked or suspended for the causes set forth in Article VIII of each of the licensing laws. All hearings and appeals shall be conducted in accordance with the procedures set forth in this Article.~~

(Source: Amended at 13 Ill.Reg. _____, effective _____)

Section 450.30 Laboratories ~~and Blood Banks~~ required to be licensed, have a permit, or be registered

a) The following items provide references to help understand the

differences among these laboratories. The Department assigns an identification number to a laboratory at the time of license or permit application. This number is only for purposes of filing material for that laboratory in the Department. Such identification number is not a license or permit. A license or permit is issued only after an inspection of the facility finds compliance with all pertinent requirements, except for a registered or a class I permit laboratory where an inspection is not required.

1) A registered laboratory meets the criteria set forth in Section 1-103(c) of the Act, and Sections 450.30(c)(3) and 450.35(a) of this Part.

2) A class I permit laboratory meets the criteria set forth in Section 2-108 of the Act; Section 6-101(2)(a) of the Act; and Sections 450.30(b) and 450.35(b) of this Part.

3) A class II permit laboratory meets the criteria set forth in Section 2-109 of the Act; Section 6-101(2)(b) of the Act; and Sections 450.30(b) and 450.35(c) of this Part.

4) A class III permit laboratory meets the criteria set forth in Section 2-110 of the Act; Section 6-101(2)(c) of the Act; and Sections 450.30(b) and 450.35(d) of this Part.

5) A licensed laboratory meets the criteria set forth in Section 2-111 of the Act; Section 6-101(2)(d) of the Act; and Sections 450.30(b) of this Part with no testing limitations, provided the director qualifies.

b) The following are required to obtain a permit or be licensed pursuant to either the Clinical Laboratory Act the Blood Bank Act, or both:

1) All cClinical lLaboratories located within the State of Illinois except as otherwise provided in Section 450.30~~(b)~~(c). This includes facilities which issue reports resulting from laboratory examinations, but do not perform laboratory examinations at that facility. (See Section 2-103 of the Act).

2) Laboratories ~~and blood banks~~ located in hospitals licensed under the Illinois Hospital Licensing Act but where ~~in which~~ the laboratory is not operated, by the governing authority of such hospital, including laboratories operating under a lease arrangement with another person or entity ~~the laboratory director~~.

3) ~~Laboratories receiving direct or indirect referred work from other sources.~~

4) Laboratories outside of Illinois receiving specimens referred from laboratories located in ~~within~~ Illinois which are required to obtain a license or permit under this Act.

5) ~~Blood banks located outside of Illinois providing blood to hospitals in Illinois, and blood banks located within Illinois except as provided in Section 450.30(b).~~

c~~b~~ The following are not required to obtain a permit or be licensed under the Clinical Laboratory Act ~~or the Blood Bank Act~~:

1) Clinical laboratories ~~or blood banks~~ operated by the United States Government ~~or the State of Illinois~~.

2) Clinical laboratories ~~and blood banks~~ located in hospitals licensed under the Illinois Hospital Licensing Act ~~(111, Rev. Stat. 1983, ch. 111 1-2, pars. 142 et seq.)~~ which are under the control of ~~operated by~~ the governing board of such hospitals owned by the exact same entity identified as owner/operator of the hospital as indicated on the last hospital license application filed with the Department; located at the same site and contiguous with the hospital; subject to the regulations and hospital by-laws; and where the entity which receives payment for the laboratory services is the same entity that owns the hospital.

3) LABORATORIES WHICH FIT THE DEFINITION OF CLASS I PERMIT LABORATORIES BUT PERFORM A SMALL NUMBER OF MINOR TESTS AS COMPARED TO OTHER CLASS I PERMIT LABORATORIES AS SET FORTH BY REGULATIONS PROMULGATED PURSUANT TO THIS ACT, OR ANY TESTS PERFORMED BY THE PHYSICIAN, PODIATRIST OR DENTIST FOR THE BENEFIT OF HIS OR HER PATIENTS, DO NOT REQUIRE A LICENSE OR PERMIT, PROVIDED EACH LABORATORY REGISTERS WITH THE DEPARTMENT ON AN ANNUAL BASIS ON FORMS PRESCRIBED BY THE DEPARTMENT. (Section 1-103(c) of the Act). ~~Laboratories operated by persons licensed under the Medical Practice Act (111, Rev. Stat. 1983, ch. 111, pars. 4401 et seq.), The Dental Practice Act (111, Rev. Stat. 1983, ch. 111, pars. 2201 et seq.), An Act to regulate the practice of Podiatry in the State of Illinois (111, Rev. Stat. 1983, ch. 111, pars. 4901 et seq.) which are operated solely for analyses in connection with the patients of the licensed practitioner, and within the scope of his license. For purposes of this rule, operation solely for analyses in connection with patients of a licensed practitioner is interpreted to refer to a laboratory operated by an individual practitioner in solo practice solely for analyses~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~in-connection-with-the-patients-of-the-practitioner,-a laboratory-operated-by-a-formally-organized-partnership-of persons-licensed-under-the-Medical-Practice-Act,-the-Dental Practice-Act,-or-"An-Act-to-regulate-the-practice-of-podiatry in-the-State-of-Illinois"-solely-for-analyses-in-connection with-the-patients-of-the-members-of-the-partnership,-or-a laboratory-operated-by-a-professional-service-corporation-or medical-corporation-solely-for-analyses-in-connection-with-the patients-of-the-members-of-the-corporation.--In-any-event,-when more-than-one-licensed-practitioner-is-involved,-all facilities,-personnel,-income,-and-expenses-must-be-shared.-- The-exempt-laboratory-may-not-perform-laboratory-tests-on patients-from-outside-the-practice-that-gives-the-laboratory exempt-status.~~

4) LABORATORIES WHICH ONLY PERFORM HEALTH SCREENINGS IN ACCORDANCE WITH SECTION 2-120 OF THIS ACT ON A NOT-FOR-PROFIT OR FREE-OF-CHARGE BASIS ARE EXEMPT FROM ALL OTHER PROVISIONS OF THIS ACT. (Section 1-103(d) of the Act)

~~4) Places-used-as-drawing-locations-for-mobile-unit-collections-by a-licensed-blood-bank-on-a-temporary-basis,-and-not-as-a regularly-constituted-substation-of-the-blood-bank,-performing any-of-the-operations-embraced-in-the-definition-of-a-"blood bank"-as-this-term-is-used-in-the-Blood-Bank-Act.~~

~~5) Blood-banks-licensed-by-the-Food-and-Drug-Administration, shipping-blood-into-Illinois,-to-the-extent-of-the-customarily performed-procedures-necessary-to-qualify-a-unit-of-blood-for transfusion.--This-will-normally-include-blood-grouping-tests for-irregular-antibodies,-and-serologic-tests-for-syphilis.--A blood-bank-located-outside-of-Illinois-which-performs-other procedures-for-Illinois-facilities,-including-but-not-limited to-pretransfusion-compatibility-testing-and-special immunohematologic-studies-for-a-fee-or-as-incident-to-the provision-of-blood-for-transfusion-in-Illinois-is-considered-to fall-under-the-purview-of-Section-450.30(a).~~

~~6) Specialized-facilities-operated-by-recognized-national organizations-including-but-not-limited-to-the-American Association-of-Blood-Banks-or-the-American-National-Red-Cross, providing-consultant-services-gratis-to-Illinois-licensed facilities,-as-an-incident-to-national-programs-of-these organizations.--Illinois-facilities-participating-in-such programs-must-comply-with-Section-7/103-of-the-Blood-Bank-Act and-must-be-licensed-pursuant-to-that-Act.~~

~~7) Public-Health-Laboratories-which-meet-the-provisions-of-Section~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~1-103(e)-of-the-Illinois-Clinical-Laboratory-Act-and-which restrict-their-clinical-laboratory-testing-to-the-following: smears-and-cultures-for-Neisseria-gonorrheae,-wet-mounts-for yeast-or-trichomonas,-syphilis-serology,-semi/quantitative chorionic-gonadotropin,-glucose,-urinalysis-(limited-to dip-stick-and-microscopic-for-red-and-white-cells),-hematocrit, hemoglobin,-and-RBC-sickle-cell-screening.~~

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.35 Testing Limitations For Registration, Permit and Licensed Laboratories

The following explains the tests as defined in Section 2-117 of the Act which can be performed by each of the laboratories regulated by the Act.

a) Registration Class Laboratories as defined in Section 1-103 of the Act may perform the following tests:

1) Urinalysis measured by the use of a chemically impregnated stip (dipstick) or tablet;

2) Hematocrit by centrifugation;

3) Occult blood;

4) Urine pregnancy testing (semi-quantitative chorionic gonadotropin);

5) Hemoglobin;

6) Erythrocyte protoporishyrin using a hematofluorometer;

7) RBC sickle cell screen using dithionite, sodium hydrosulfite;

8) Wet mounts for yeast or trichomonas;

9) Blood cholesterol testing;

10) Blood glucose testing;

11) Syphilis serology by macroscopic agglutination including RPR and VDRL;

12) Gonorrhea limited to cultures for growth or no growth, oxidase and lactodose, gram stains testing; and

13) ANY TESTS PERFORMED (i.e. conducted and interpreted) BY A

PHYSICIAN, PODIATRIST OR DENTIST FOR THE BENEFIT OF HIS OR HER PATIENTS. (Section 1-103(c) of the Act)

b) Class I Permit Laboratories as defined in Section 2-108 of the Act may perform the following tests:

1) All tests that can be performed by the Registration Class Laboratories;

2) Any SIMPLE TESTS (Section 2-108 of the Act).

c) Class II permit Laboratories as defined in Section 2-109 of the Act may perform the following tests:

1) All tests that can be performed by the Registration Class Laboratories;

2) All tests that can be performed by the Class I laboratory as detailed in subsection (b).

3) Any complex tests.

d) Class III Permit Laboratories as defined in Section 2-110 of the Act

Any health screening tests as defined in Section 450.1300(a).

e) Licensed Clinical Laboratories as defined in Section 2-111 of the Act

1) All tests that can be performed by the Registration Class Laboratories;

2) All tests that can be performed by the Class I laboratory as detailed in subsection (b).

3) Any complex tests.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 450.40 Penalties and Fines

a) The Department may deny, revoke, or refuse to renew a license or permit for the reasons set forth in Article VIII of the Act. All hearings and appeals shall be conducted in accordance with the procedures set forth in that Article and this Part. Any person holding 5% or more of the ownership in a clinical laboratory who was convicted of violation of Section 8-101(b), (c) or (g) of the Act, shall constitute grounds for denial or revocation of a license or permit.

b) In addition to other actions authorized by the Act and this Part, the Department may assess penalties or fines against a licensee or permit holder for violation of any provision of the Act or rules. The Department shall review each inspection report according to criteria provided by this section to determine whether a fine will be assessed, the amount of such fine, and whether each day of violation shall constitute a separate violation for purposes of fine assessment.

1) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed.

A) Whether the laboratory has previously been cited in the prior two year period for noncompliance in the same area of laboratory testing (e.g. chemistry, hematology, immunohematology, etc.) as currently cited for noncompliance with the Act or this Part.

B) Whether the laboratory has been cited for a violation of the Act or rules and does not correct the violation within the time frame agreed upon by the laboratory and Department in the plan to correct the violation.

C) Whether the laboratory fails to provide an acceptable plan to correct a violation of the Act or this Part.

D) Whether the violation appears to be the result of any degree of negligence by the laboratory or the laboratory's agents or employees or by any other person responsible for the control or supervision of the laboratory.

E) Whether the laboratory demonstrated good faith efforts (e.g. taking steps to correct or agreeing to correct the cited violation) to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation.

2) Criteria to determine the amount of a fine are the following, and all amounts determined pursuant to the criteria shall be added together to determine the total fine.

A) For each repeat finding of noncompliance for the same area of laboratory testing, a fine of $100 per work day until the violations upon which noncompliance in that area of testing are based are corrected.

B) For non-correction of a violation within the time frame agreed upon by the laboratory and Department, a fine of

$200 per work day for each day subsequent to the inspection which determined that violations were not corrected.

C) For the laboratory to fail to provide an acceptable plan to correct a violation of the Act or rules, a fine of $100 per work day starting on the tenth day after the laboratory received the notice of violation.

3) Each day a violation exists shall constitute a separate violation.

4) The Department shall serve any notice of assessment of fine on the laboratory in the same manner as any notice of license revocation provided pursuant to the Act and rules, and the laboratory shall have the same rights and opportunity for hearing as elsewhere provided pursuant to the Act and this Part.

5) All fine assessments which are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.), unless the laboratory has within that time filed proceedings in administrative review specifically appealing the fine assessment and unless the court has stayed the enforcement of the fine assessment.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 450.50 Incorporated Materials

The following materials are incorporated or referenced in this Part:

a) State of Illinois Statutes

1) Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1987, par. 621 et seq. as amended by P.A. 85-1025, effective June 30, 1988; 85-1202, effective August 25, 1988; P.A. 85-1251, effective August 30, 1988.)
(Section 450.10)

2) Illinois Blood Bank Act (Ill. Rev. Stat. 1987, chp. 111 1/2, pars. 601-101 et seq.)
(Section 450.10 and 450.1200(a)(1)

3) Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq.)
(Section 450.10)

4) Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 142 et seq.)
(Section 450.10) 450. , 450.1200(a)(1), 450.1300(b)(3)

5) Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 4401 et seq.)
(Section 450.10)

6) Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 4801 et seq.)
(Section 450.10)

7) Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.)
(Section 450.40(b)(5)

8) Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 5642, pars. 1100 et seq.)
(Section 450.10)

b) State of Illinois Regulations:

1) 35 Ill. Adm. Code 307
(Section 450.330(d)(5))

2) 35 Ill. Adm. Code 724
(Section 450.330(f)(A))

3) 35 Ill. Adm. Code 809
(Section 450.330(f)(C))

c) Federal Guidelines, Statutes, and Federal Regulations:

1) 42 CFR 405, Subpart M (1988)
(Section 450.10)

2) 21 CFR 600-680 (1988)
(Section 450.1150(g)(1))

3) Laboratory Qualification Appriasal Personnel Form
Health Care Financing Authority (HCFA)
HCFA-3084-OMB No. 0938-0049
(See Section 400.210(a), 450.410(b), 450.420(a), 450.430(a), 450.440(a) and 450.450(a))

d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulation and standards on the date specified and do not include any

additions or deletions subsequent to the date specified.

(Source: Added at 13 Ill. Reg. _____, effective _____)

SUBPART B: DIRECTORS OF CLINICAL LABORATORIES ~~AND BLOOD BANKS~~

Section 450.210 Qualifications of the Director of a Clinical Laboratory ~~or blood bank~~.

a) QUALIFICATIONS OF DIRECTORS. EVERY CLINICAL LABORATORY SHALL BE UNDER THE SUPERVISION AND DIRECTION OF A DIRECTOR WHO POSSESSES ONE OF THE FOLLOWING QUALIFICATIONS. These qualifications must be documented on the Department form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3))

1) THE INDIVIDUAL IS A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL ITS BRANCHES IN ILLINOIS AND CERTIFIED BY THE AMERICAN BOARD OF PATHOLOGY OR THE AMERICAN OSTEOPATHIC BOARD OF PATHOLOGY IN CLINICAL PATHOLOGY, OR WHO POSSESES QUALIFICATIONS WHICH ARE EQUIVALENT TO SUCH CERTIFICATION (BOARD ELIGIBLE).

2) THE INDIVIDUAL IS A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL ITS BRANCHES IN ILLINOIS WITH SPECIAL QUALIFICATIONS IN THE PERFORMANCE OF THE TEST OR TESTS OFFERED BY THE CLINICAL LABORATORY, WHOSE TRAINING AND EXPERIENCE ARE ACCEPTABLE TO THE DEPARTMENT.

A) A physician having not less than one year of post-graduate training in diagnostic laboratory procedures in a residency training program approved for training purposes by the American Board of Pathology or the American Osteopathic Board of Pathology.

B) A physician having not less than two years of supervised experience in an approved clinical laboratory carrying out procedures in the field or fields of science which encompass the program and services provided by the laboratory which this individual will direct.

C) To be director of a genetics laboratory, the physician shall have 4 or more years of post-graduate genetics laboratory experience in an approved clinical laboratory.

D) To be director of a histocompatibility laboratory, the physician shall have 4 or more years of immunology laboratory experience in an approved clinical laboratory, subsequent to becoming a physician, 2 years of which have been in histocompatibility testing.

E) To be director of a toxicology laboratory which performs tests for controlled substances, the physician shall have 4 or more years of post-graduate experience in an approved clinical laboratory which performs tests for controlled substances and have formal academic education from an accredited institution in drug metabolism, drug kinetics, and the use and limitations of analytical procedures used in drug analysis.

3) IN THE CASE OF A LABORATORY, THE PRINCIPAL PLACE OF BUSINESS OF WHICH IS OUTSIDE THE STATE OF ILLINOIS, THE INDIVIDUAL IS A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES IN THAT STATE AND POSSESSES SPECIAL QUALIFICATIONS IN THE PERFORMANCE OF THE TEST OR TESTS OFFERED BY THE CLINICAL LABORATORY WITH TRAINING AND EXPERIENCE ACCEPTABLE TO THE DEPARTMENT.

A) A physician having not less than one year of post-graduate training in diagnostic laboratory procedures in a residency training program approved for training purposes by the American Board of Pathology or the American Osteopathic Board of Pathology.

B) A physician having not less than two years supervised experience in an approved clinical laboratory carrying out procedures in the field or fields or science which encompass the program and services provided by the laboratory which this individual will direct.

C) To be director of a genetics laboratory, the physician shall have 4 or more years of post-graduate genetics laboratory experience in an approved clinical laboratory.

D) To be director of a histocompatibility laboratory, the physician shall have 4 or more years of immunology laboratory experience in an approved clinical laboratory, subsequent to becoming a physician, 2 years of which have been in histocompatibility testing.

E) To be director of a toxicology laboratory which performs tests for controlled substances, the physician shall have 4 or more years of post-graduate experience in an approved clinical laboratory which performs tests for controlled substances and have formal academic education from an accredited institution in drug metabolism, drug kinetics, and the use and limitations of analytical procedures used in drug analysis.

4) THE INDIVIDUAL IS A PHYSICIAN (i.e. physician licensed to practice medicine in all its branches or a chiropractic physician), DENTIST OR PODIATRIST LICENSED IN ILLINOIS.

5) THE INDIVIDUAL HOLDS A DEGREE ABOVE BACCALAUREATE LEVEL FROM A COLLEGE OR UNIVERSITY ACCEPTABLE TO THE DEPARTMENT, WITH A MAJOR IN CHEMICAL OR BIOLOGICAL SCIENCES AND HAS SATISFIED THE DEPARTMENT OF HIS TRAINING AND PROFICIENCY IN THOSE TESTS FOR WHICH THIS LICENSE IS SOUGHT.

A) An individual who holds an earned graduate degree above the baccalaureate level from an accredited institution in medical laboratory science or with a chemical or biological science as a major subject may direct a laboratory which requires a class I, II, or III permit or a license, provided the individual documents that the individual has had 3 more years of full-time clinical laboratory training and experience in an approved clinical laboratory, subsequent to graduation, in each area of the laboratory in which testing is performed. The laboratory areas are bacteriology/mycology, parasitology, virology, immunology/serology, hematology, immunohematology, and chemistry. Experience as a technologist in an approved clinical laboratory which was gained prior to acquiring the graduate degree may be substituted on an equivalency basis of 1.5 years of such experience for every 1 year of post degree training and experience required; and experience as a general supervisor in an approved clinical laboratory, which was gained prior to acquiring such degree, may be substituted on a 1-for-1 basis. Such documentation shall be made on a form entitled "Laboratory Personnel Qualifications Appraisal" (See Section 450.50(c)(3)).

B) To be director of a histocompatibility laboratory, the individual shall hold an earned doctoral degree from an accredited institution with a chemical or biological science as a major subject and have 4 more more years of postdoctoral laboratory experience in immunology in an approved clinical laboratory, 2 of which have been in histocompatibility testing.

C) To be director of a genetics laboratory, the individual shall hold an earned doctoral degree from an accredited institution with a chemical or biological science as a major subject and have 4 or more years of postdoctoral genetics laboratory experience in an approved clinical laboratory.

D) To be director of a toxicology laboratory which performs tests for controlled substances, the individual shall hold an earned doctoral degree from an accredited institution with a chemical or biological science as a major subject; have 4 or more years of post-graduate experience in an approved clinical laboratory which performs tests for controlled substances; and have formal academic education from an accredited institution in drug metabolism, drug kinetics, and the use and limitations of analytical procedures used in drug analysis.

6) AN INDIVIDUAL LISTED AS THE DIRECTOR, PRIOR TO AUGUST 23, 1965, OF ONE CLINICAL LABORATORY WHICH WAS REGISTERED WITH THE DEPARTMENT UNDER THE PROVISIONS OF THIS ACT, MAY CONTINUE TO DIRECT ONE LABORATORY, AND AN INDIVIDUAL WHO DIRECTED TWO SUCH LABORATORIES SIMULTANEOUSLY MAY CONTINUE TO DIRECT TWO LABORATORIES, EXCEPT THAT THE DEPARTMENT, UPON RECOMMENDATION OF THE CLINICAL LABORATORY AND BLOOD BANK ADVISORY BOARD, MAY, AS A CONDITION PRECEDENT TO THE ISSUANCE OF AN ORIGINAL LICENSE HEREUNDER, REQUIRE SUCH INDIVIDUAL TO PASS A PRACTICAL EXAMINATION IN THE EVENT THAT IT DEEMS SUCH AN EXAMINATION NECESSARY TO DETERMINE THE COMPETENCE OF THE INDIVIDUAL TO DIRECT A CLINICAL LABORATORY.

7) THE INDIVIDUAL IS A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL ITS BRANCHES IN ILLINOIS.

8) To be director of a pathologic anatomy laboratory, the individual shall be A PHYSICIAN MUST BE LICENSED TO PRACTICE MEDICINE IN ALL ITS BRANCHES IN ILLINOIS AND CERTIFIED OR DETERMINED TO BE BOARD ELIGIBLE BY THE AMERICAN BOARD OF PATHOLOGY IN ANATOMIC PATHOLOGY OR THE AMERICAN OSTEOPATHIC BOARD OF PATHOLOGY IN ANATOMIC PATHOLOGY, OR THE INDIVIDUAL IS A DENTIST LICENSED IN ILLINOIS AND CERTIFIED BY THE AMERICAN BOARD OF ORAL PATHOLOGY; EXCEPT THAT BONE MARROW INTERPRETATIONS MAY BE DONE BY A HEMOTOLOGIST WHO IS CERTIFIED OR DETERMINED TO BE BOARD ELIGIBLE BY THE AMERICAN BOARD OF INTERNAL MEDICINE.

b) MINIMUM REQUIREMENTS FOR LABORATORY DIRECTION AND STAFFING. A PERMIT OR LICENSE TO OPERATE A CLINICAL LABORATORY SHALL BE ISSUED ONLY IF THE FOLLOWING TECHNICAL STAFF ARE EMPLOYED TO PROVIDE SUPERVISION AND DIRECTION DURING TESTING AS REQUIRED BY REGULATIONS PROMULGATED PURSUANT TO THIS ACT:

1) A CLASS I PERMIT REQUIRES A DIRECTOR QUALIFIED UNDER PARAGRAPHS (1), (2), (4), (5), (6) OR (8) OF SUBSECTION (a) OF THIS SECTION TO PROVIDE SUPERVISION AND DIRECTION, WITH OR WITHOUT A LABORATORY ASSISTANT.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

2) A CLASS II PERMIT REQUIRES A DIRECTOR QUALIFIED UNDER PARGRAPHS (1), (2), (5), (6), (7) OR (8) OF SUBSECTION (a) OF THIS SECTION TO PROVIDE SUPERVISION AND DIRECTION, WITH THE EMPLOYMENT OF TECHNICIANS OR TECHNOLOGISTS.

3) A CLASS III PERMIT REQUIRES A DIRECTOR QUALIFIED UNDER PARAGRAPHS (1), (2), (5), (6) OR (7) OF THIS SECTION TO PROVIDE SUPERVISION AND DIRECTOR, WITH TEH EMPLOYMENT OF LABORATORY ASSISTANTS OR TECHNICIANS.

4) A LICENSE REQUIRES A DIRECTOR QUALIFIED UNDER PARAGRAPHS (1), (2), (3), (5), (6) OR (8) OF SUBSECTION (a) OF THIS SECTION TO PROVIDE SUPERVISION AND DIRECTION, WITH THE EMPLOYMENT OF A GENERAL SUPERVISOR IF NECESSARY TO PROVIDE SUPERVISION IN THE ABSENCE OF THE DIRECTOR.

~~1) An individual who is not certified by the American Board of Pathology, but who has completed residency training in clinical pathology which meets the requirements of the American Board of Pathology for admission to its examination is, upon submittal of acceptable evidence of completion of such training, eligible to direct a clinical laboratory.~~

~~2) A physician who has completed not less than two years of post/graduate training in clinical laboratory methods in a country other than the U.S. or Canada, in programs approved for such training in the country in which the training was obtained is, upon submittal of acceptable evidence of completion of such training, eligible to direct a clinical laboratory.~~

~~b) A licensed physician or a licensed dentist whose qualifications fall into one or more of the following special categories is, upon submittal of proper evidence of having completed the requisite periods of training or experience, eligible to direct a clinical laboratory.~~

~~1) A physician or dentist having not less than one year of post/graduate training in diagnostic laboratory procedures in a hospital or other laboratory approved for training purposes and acceptable to the department.~~

~~2) A physician or dentist having not less than two years supervised experience in a laboratory other than those specified above, carrying out procedures in the field or fields of science which encompass the program and services provided by the laboratory which this individual will direct.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~3) A dentist certified by the American Board of Oral Pathology may direct a laboratory whose program and services are limited to anatomic (including exfoliative cytologic) examination of cells and tissues from the oral cavity and immediately related structures. If examinations other than anatomic are carried out, the individual must comply with the other requirements of this section.~~

~~c) A person licensed under the Medical Practice Act to treat human ailments without the use of drugs or medicines and without operative surgery may direct a clinical laboratory specifically restricted to the performance of those procedures utilized in the practice of the system or method which he practices, provided he presents acceptable evidence of having obtained not less than one year of training and two years of supervised experience subsequent to graduation in his major field, in a laboratory utilized by practitioners of his system for the treatment of human ailments.~~

~~d) An individual who holds an earned graduate degree above the baccalaureate level from an accredited institution with a chemical or biological science as a major subject may direct a laboratory, provided the individual documents that he/she has had 3 or more years of full time clinical laboratory training and experience in an approved clinical laboratory, subsequent to graduation, in each area of the laboratory in which testing is performed. The laboratory areas are bacteriology/mycology, parasitology, virology, immunology/serology, hematology, immunohematology, and chemistry. experience as a technologist in an approved clinical laboratory which was gained prior to acquiring the graduate degree may be substituted on an equivalency basis of 1.5 years of such experience for every 1 year of post degree training and experience required; and experience as a general supervisor in an approved clinical laboratory, which was gained prior to acquiring such degree, may be substituted on a 1 for 1 basis. Such documentation shall be made on a form entitled "Laboratory Personnel Qualifications Appraisal".~~

~~e) A licensed physician who is not certified by the American Board of Pathology in clinical pathology may direct a blood bank if he meets either of the following qualifications:~~

~~1) A pathologist who has completed residency training in clinical pathology which meets the requirements of the American Board of PATHOLOGY FOR ADMISSION TO ITS EXAMINATION, upon submittal of acceptable evidence of completion of such training; or~~

~~2) A physician who has completed not less than two years of post/graduate training and experience in blood banking methods in a blood bank acceptable to the Department at least one year~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~of which shall have been in a closely supervised trainee ("resident", "fellow", or similar) status.~~

~~f) An individual listed as the director of a clinical laboratory registered prior to the date of approval of this Act under the provisions of the "Illinois Clinical Laboratory Registration Act," approved August 21, 1963 and who has achieved a satisfactory grade on the practical examination prescribed by the Department where required may continue to direct said laboratory. In exceptional cases, permission to operate an additional laboratory may be granted at the discretion of the Department upon presentation of evidence that:~~

~~1) Adequate direction and technical supervision exist at all laboratories operated by the Director, and~~

~~2) That enforcement of the foregoing limitation would deprive a community of needed services.~~

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.220 Operational Participation of the Director

a) The laboratory director must follow the weekly schedule established in accordance with Section 450.1110(d) except for absences due to emergencies, illness, or professional meetings~~,~~. In case of an absence for vacation or other purposes which does not exceed 30 days, the owner ~~director~~ shall ensure director coverage by designating an acting director who is qualified to direct that laboratory.

b) In case of an absence which is more than 30 days, the owner ~~director~~ shall designate an acting director to direct the laboratory in the Director's ~~his/her~~ absence who meets the qualifications set forth in Section 6-101 of the ~~Illinois Clinical Laboratory~~ Act which are appropriate for the permit or license held by the laboratory. The owner ~~He/she~~ shall submit to the Department immediately after 30 days has elapsed, a personnel form for the acting director. The acting director may continue to function as director for a period of 90 days after the personnel form is received.

c) An acting director may not serve as director for a period of time exceeding 120 days, 90 days after the personnel form was received by the Department, unless the owner informs ~~a new license application is submitted to~~ the Department that ~~to change~~ the acting director is now the ~~to~~ director.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 450.230 Number of Laboratories Permitted to Operate

a) The director of a clinical laboratory ~~or blood bank~~ shall not direct more than three clinical laboratories, ~~and/or~~ or blood banks ~~(hospital or independent)~~. This limitation does not preclude a director from serving additional laboratories as a consultant, general supervisor, or acting director.

b) The director of a clinical laboratory ~~or blood bank~~ must actively participate in the activities and programs of the clinical laboratory ~~or blood bank~~; therefore, attendance of brief duration sufficing only for signature of reports or other nominal administrative duties will not constitute compliance with Section 6-104 of the Act.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART C: LOCATION, CONSTRUCTION AND SANITATION

Section 450.310 Location

The location and construction of the laboratory, plumbing, hearing, lighting, ventilation, electrical services and similar features, shall be such as to ensure ~~insure~~ that the operation of the laboratory will present no hazard to the public health. Each initial license application and each license application for a change of location shall be accompanied by a letter from the laboratory owner indicating that the owner has checked with any zoning authority having jurisdiction and the zoning authority has found that the laboratory location meets local requirements or will meet local requirements within a time frame acceptable to the zoning authority. If no zoning authority has jurisdiction, the letter shall state that fact.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.320 Conformance to Local Ordinances

Laboratory quarters and facilities shall conform to all local building, safety, and fire codes or ordinances. Each initial license application and each license application for a change of location, shall be accompanied by a letter from the laboratory owner indicating that the laboratory has been inspected and approved by local the authorities to ensure that the laboratory meets applicable building safety code; plumbing code, fire code, and ordinances, or by-laws. If there are no local codes, ordinances or by-laws relating to plumbing, the owner shall submit documentation that the laboratory premise has been inspected and approved by a State licensed plumber within the last year.

Section 450.330 Safety and Sanitation Manual ~~Requirements~~

a) The laboratory ~~or blood bank~~ director shall establish a Safety and Sanitation Manual. This manual shall be consistently implemented throughout the facility and contain signed or initialed documentation that it has been reviewed by the director at least annually to ensure that the requirements of this Part are met. The manual shall include but need not be limited to the following items.

a) General Sanitation and Safety with respect to:

1) minimum clearance in passageways to assure that exit from and access to the laboratory is not impeded;

2) the selection of and the schedule for the use of cleaning supplies for floors, walls, ceilings, bench tops, and sinks;

3) hand washing protocol;

4) requiring that all items which are disposed of and which can cut or puncture the skin shall be placed in containers which are impervious to the flow of liquids, rigid to prevent the container from collapsing when handled in the laboratory, and puncture proof to prevent needles from penetrating the container;

5) safe storage, transport, and use of compressed gases, if any, which includes the requirements that each cylinder is shipped with a valve safety cover which shall remain in place when regulators are not attached; that gas cylinders shall be secured at all times; and that empty containers shall be labeled and removed from the laboratory;

6) requiring that smoking, eating, and drinking shall be prohibited in all areas where laboratory work is performed;

7) requiring that mouth pipeting shall be prohibited;

8) requiring that all electrical outlets shall be grounded, electrical equipment be maintained in condition to prevent shock and fire hazards, and protective fuses not be bypassed; and

9) requiring that all blood letting and collection devices shall be both sterile and disposable.

b) ~~The manual shall include, but need not be limited to the following cultures and specimens to be discarded, and all other potentially infectious materials, shall be completely incinerated or sterilized or sealed in order to render the materials innocuous before disposal or removal from the premises.~~

Warning signs shall indicate "Hazardous Materials" (radioactive, flammable, poison, irritant, carcinogen, etc.) with required precautions in the use and storage of those materials.

c) Fire prevention and control with respect to:

1) the use of open flames, flammables, safety cans, safety cabinets, etc.;

2) requiring that a fire extinguisher of the CO 2 or dry chemical type shall be in the laboratory;

3) actions to be taken in case of fire; and

4) requiring that provisions for unimpeded egress from the building shall be posted.

d) Chemical hazards with respect to:

1) maintenance of a list of all chemicals used in the laboratory categorized as corrosive, flammable, toxic, carcinogenic, explosive, radioactive, and mutagenic;

2) actions to be taken in the event of an accidental break or spill;

3) ventilation in accordance with the kinds of chemical fumes encountered;

4) storage requirements for chemicals which are caustic, poisonous, flammable, carcinogenic, etc.;

5) requiring that wastes discharged to any sewer shall be in accordance with the general requirements for liquids, solids, or gases as well as specific requirements for mercury and cyanide as established by the Illinois Environmental Protection Agency (35 Ill. Adm. Code 307).

6) safe use of radioactive materials, if used in the laboratory, by having a registration certificate or license from the U.S. Nuclear Regulatory Commission or the agency to which the U.S. Nuclear Regulatory Commission has delegated certification or licensure authority.

e) Biological hazards with respect to:

1) handling of specimens to avoid infection by air, ingestion, direct inoculation, and skin contact;

2) providing biological safety hoods and other appropriate barriers (ie. plastic gloves) in accordance with the types of organisms encountered; and

3) disposal of cultures, specimens and other potentially infectious materials, which shall be completely incinerated or otherwise sterilized or sealed in a container as indicated below to render the materials innocuous before disposal or removal from the premises.

4) specific procedures to be followed in the event of accidental exposure to a biological hazard.

f) ~~The manual shall include but need not be limited to the following cultures and specimens to be discarded and all other potentially infectious materials, shall be completely incinerated or sterilized or sealed in order to render the materials innocuous before disposal or removal from the premises.~~

A1) The incineration of materials shall be done in accordance with the requirements of the Illinois Environmental Protection Agency concerning the operation of an incinerator. (35 Ill. Adm. Code 724 ~~799~~).

B2) The sterilization of materials shall be done by autoclaving the materials in accordance with the manufacturer's recommendations and the effectiveness of the autoclave shall be verified and documented at least weekly with a biological spore assay containing B. stearothermophilus.

C3) The disposal or removal of materials outside of the facility shall be done in the following manner:

iA) Incinerated or sterilized materials shall be disposed of through routine waste disposal methods without precautions against possible contamination.

iiB) Materials which have not been incinerated or sterilized shall be disposed of by a waste hauler with a proper permit from the Illinois Environmental Protection Agency. (35 Ill. Adm. Code 809). These materials must be sealed. transported and stored in biohazard containers. These containers shall be marked "Biohazard," bear the universal biohazard symbol. and be orange, orange and black or red. The containers shall be rigid and puncture-resistant such as a secondary metal or plastic can with a lid that can be opened by a step-on pedal. These containers shall be lined with one or two high density polyethyene or polypropylene

plastic bags with a total thickness of at least 2.5 mil. or equivalent material. The containers which are marked "Biohazard" shall be sealed before being removed from the laboratory ~~or blood bank~~.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART D: QUALIFICATIONS OF PERSONNEL ~~HAVING RESPONSIBILITY FOR THE CONDUCT AND OPERATION OF THE LABORATORY~~

Section 450.410 General Supervisor

a) Duties

In a licensed laboratory, there ~~There~~ shall be at least one qualified director or supervisor on the laboratory premises during all hours in which tests are performed. In the absence of the director, the supervisor shall supervise technical personnel and reporting of findings, perform tests requiring special scientific skills and be held responsible for the proper performance of all laboratory procedures. During periods of time when the laboratory is open for emergency testing only, a director or supervisor is not required to be on the premises provided a qualified technologist (See Section 450.420) performs the emergency tests and the director or supervisor who is responsible for the work reviews and documents the review of the results during the next duty period when the laboratory is open to provide other than emergency testing or within 24 hours, whichever occurs first. An emergency shall be determined by the physician attending the patient, and in order to clearly indicate an emergency exists, the laboratory request form shall include an appropriate designation such as "Stat".

b) ~~Qualifications of a Laboratory Supervisor~~

An individual who meets one of the following qualifications shall qualify as general supervisor. These qualifications must be documented on the Department's form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3) ~~A laboratory supervisor shall be qualified in accordance with one or more of the following:~~

1) The individual ~~He/she~~ is a physician licensed to practice medicine in all of its branches or has an earned doctoral degree from an accredited institution in a medical laboratory science ~~with a major in one of the chemical, physical, or biological~~ sciences and subsequent to graduation has had at least 2 years of full-time experience in one of the laboratory specialities in an approved clinical laboratory. ~~(e.g., at least 30 hours per~~

~~week-doing-those-tests-conducted-by-a-clinical-laboratory pursuant-to-Section-2-103-of-the-Act).~~

2) The individual ~~He/she~~ has a Master of Arts or Master of Science degree from an accredited institution in a medical laboratory science, and ~~with-a-major-in-one-of-the-chemical, physical-or-biological-sciences-and~~ subsequent to graduation has had at least 3 years or pertinent full-time ~~laboratory~~ experience in an approved clinical laboratory.

3) The individual is qualified as a medical technologist pursuant to the provisions of Section 450.420. If the individual qualifies as a medical technologist because the individual has successfully passed the United States Public Health Service Exam prior to July 1, 1989, the individual has an associate degree or at least 60 semester hours of academic credit from an accredited institution, including at least 12 semester hours in chemistry and biology courses. Subsequent to the date of qualifying as a medical technologist, the individual has at least four years of pertinent full-time laboratory experience in an approved clinical laboratory. ~~He/she-is-qualified-as-a-medical technologist-pursuant-to-the-provisions-of-Section-450.420-and subsequent-to-the-date-of-qualifying-as-a-medical-technologist has:~~

~~A) at-least-four-years-of-pertinent-full-time-laboratory experience-in-an-approved-clinical-laboratory;-and~~

~~B) if-the-individual-qualifies-as-a-medical-technologist because-he/she-has-successfully-passed-the-United-States Public-Health-Service-exam,-he-she-has-an-associate-degree or-at-least-60-semester-hours-of-academic-credit-from-an accredited-institution,-including-at-least-12-semester hours-in-chemistry-and-biology-courses.~~

4) With respect to the speciality of diagnostic cytology, qualifies as a supervisory cytotechnologist because the individual ~~he-she~~ qualifies as a cytotechnologist under Section 450.430(a), ~~or~~ (b) or(c) and has had at least 4 years of full-time experience within the preceding 10 years as a cytotechnologist in a laboratory directed by an individual qualified to direct such a laboratory under Section 6-103 of the ~~Illinois-Clinical-Laboratory~~ Act within the preceding 10 years.

5) With respect to the speciality of genetics, qualifies as a supervisor because the individual meets the requirements of Sections 450.410(b)(1)(2) or (3) above, except that the

experience requirements must be in a genetics laboratory.

c) Exception to Section 450.410(b) (1), (2) and (3)

An individual serving as general supervisor of a clinical laboratory on September 15, 1970 and having had at least 15 years of pertinent laboratory experience prior to September 15, 1970 may continue to serve as supervisor of said laboratory: provided, that a minimum of 30 semester hours credit toward a Bachelor's degree with a chemical, physical or biological science as his major subject shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.420 Medical Technologist

a) An individual who meets one of the following qualifications shall qualify as a technologist. These qualifications must be documented on the Department's form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3)) ~~Definitions of-medical-technologist,-for-purpose-of-Section-450.410(b)(4)--A-medical-technologist-is-an-individual-trained-in-accordance-with-Section-450.420(b)-and-whose-duties-consist-primarily-in-the-performance,-under-general-supervision,-of-clinical-laboratory-tests-which-require-the-exercise-of-independent-judgment.--A-medical-technologist-is-distinguished-from-a-medical-laboratory-technician,-the-latter-being-an-individual-not-trained-in-accordance-with-Section-450.420(b).--The-duties-of-a-medical-laboratory-technician-consist-primarily-in-the-performance-of-only-those-laboratory-procedures-which-require-limited-technical-skill-and-responsibility-and-a-minimal-exercise-of-independent-judgment-under-the-direct supervision-of-a-medical-technologist.~~

~~b) The-training-of-a-medical-technologist-is-in-accordance-with-one or-more-of-the-following:~~

1) The individual has an earned ~~holder-of~~ a Bachelor's degree in medical technology from an accredited college or university.

2) The individual has ~~successful-completion-of~~ 3 academic years of study (a minimum of 90 semester hours or equivalent) in an accredited college or university which meets the specific requirement for entrance into, and the successful completion of a course of training of at least 12 months in, a school of medical technology accredited by one of the agencies ~~regional accreditation-programs~~ recognized by the U.S. Office

~~commissioner~~ of Education ~~education~~ for the accreditation of training programs for medical technologists, as distinguished from training programs for medical laboratory technicians.

3) The individual has an earned Bachelor's degree from ~~Successful completion in~~ an accredited college or university ~~of a course of studies which meets all academic requirements for a bachelor's degree~~ in one of the chemical, physical, or biological sciences and in addition at least 1 year of pertinent clinical laboratory experience and/or training, provided the combination has given the individual the equivalent of the education and training described in Section 450.420(a) ~~(b)~~(2).

4) The individual has completed ~~Successful completion of~~ 3 years (90 Semester hours or equivalent in quarter hours) in an accredited college or university with a distribution of courses as shown below, and, in addition, successful experience and/or training covering several fields of medical laboratory work of such length (not less than 1 year), and of such quality that this experience or training, when combined with the education, will have provided the individual with education and training in medical technology equivalent to that described in Section 450.420(a) ~~(b)~~(2). The specified courses must have included lecture and laboratory work. Survey courses are not acceptable.

A) For those whose training was completed prior to September 15, 1953: academic training must include at least 24 semester hours in chemistry and biology courses of which not less than 9 semester hours must have been in chemistry and must have included at least 6 semester hours in inorganic chemistry, and not less than 12 semester hours must have been in biology courses pertinent to the medical sciences.

B) For those whose training was completed after September 15, 1963: academic training must include 16 semester hours in chemistry courses which must have included at least 6 semester hours in general chemistry and the remaining semester hours in analytical chemistry, organic chemistry ~~and~~/or physical chemistry and which are acceptable toward a major in chemistry; 16 semester hours in biology courses which are pertinent to the medical sciences and are acceptable toward a major in biological sciences; and 3 semester hours of mathematics.

b)~~c)~~ Exceptions to Section 450.420(a) ~~(b)~~

1) An exception to ~~the requirement of~~ Section 450.420(b~~a~~) may

be made if

A) The technologist was performing the duties of a medical technologist on, or within the 5 years preceding July 1, 1966, and

B) The technologist has had at least 10 years of pertinent clinical laboratory experience prior to July 1, 1966~~,~~ provided, that a minimum of 30 semester hours of credit toward a bachelor's degree from an accredited institution with a chemical, physical, or biological science as his major subject, or 30 semester hours in a school of medical technology approved in accordance with Section 450.420(a) ~~(b)~~(2) shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year.

2) An individual who has successfully passed the United States Public Health Service exam in order to qualify under Medicare and Medicaid as a clinical laboratory technologist will be considered to meet the qualifications for a medical technologist upon submission of ~~proper~~ documentation to the Department.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.430 Cytotechnologist

An individual who meets one of the following qualifications shall qualify as a cytotechnologist. These qualifications must be documented on the Department's form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3)) ~~The training of a cytotechnologist must be in accordance with one of the following~~:

a) The individual has ~~Has~~ successfully completed 2 years (60 semester hours of academic credit) in an accredited college or university with at least 12 semester hours in science, 8 hours of which are in biology, and has had 12 months of training in a school of cytotechnology accredited by one of the agencies ~~regional accrediting programs~~ recognized by the U.S. Office ~~Commissioner~~ of Education; or

b) The individual has ~~Has~~ successfully completed 2 years (60 semester hours of academic credit) in an accredited college or university with at least 12 semester hours in science, 8 hours of which are in biology, and has received 6 months of formal training in a school of cytotechnology accredited by one of the ~~regional accrediting~~

recognized by the U.S. Office agencies ~~Commissioner~~ of Education and 6 months of full/time experience in cytotechnology in a laboratory affiliated with the school of cytotechnology; or

c) Prior to January 1, 1969, the individual has

1) ~~Been~~ graduated from high school~~,~~;

2) completed ~~Completed~~ 6 months of training in cytotechnology in a laboratory directed by a physician certified or determined board eligible by the American Board of Pathology in pathologic anatomy~~,~~; and

3) completed ~~Completed~~ 2 years of full time supervised experience in cytotechnology.

(Source: Amended at 13 Ill. Reg. ____, effective _____)

Section 450.440 Technician

An individual who meets one of the following qualifications shall qualify as a technician: These qualifications must be documented on the Department's form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3)).

a) Successful completion of 60 semester hours of academic credit including chemistry and biology as well as a structured curriculum medical laboratory techniques at an accredited institution or has an associate degree based on a course of study including those subjects from an accredited institution; or

b) High school graduate or equivalent and has completed at least 1 year in a technician training program in a school accredited by an accrediting agency approved by the U.S. Office of Education; or

c) High school graduate or equivalent and has successfully completed an official military medical laboratory procedures course of at least 50 weeks duration and has held the military enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.450 Laboratory Assistant

A laboratory assistant is an individual who is employed in a laboratory and meets the education and experience requirements set forth by that laboratory director and who functions only under the direct supervision of a director, supervisor or technologist. These requirements must be established in writing

and submitted to the Department with the Department's form entitled "Laboratory Personnel Qualifications Appraisal" (See Section 450.50(c)(3)).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART E: EQUIPMENT

Section 450.510 Facilities and Equipment

The laboratory must document that the physical facilities, equipment, and instruments are adequate for performance of tests for which the laboratory is requesting a license or permit. (See Subpart C)

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.520 Preventive Maintenance of Equipment and Instruments

a) Preventive maintenance program

1) The laboratory must establish a written preventive maintenance program for each piece of equipment. The program shall be documented and implemented on a regularly scheduled basis. It shall provide for instrument function verification and equipment maintenance.

2) The ~~laboratory is not required to follow the manufacturer's recommendations; whoever, defined~~ preventive maintenance programs shall at minimum coincide with the manufacturer's recommendations.

b) Service Contract

1) A service contract from an outside source for preventive maintenance is acceptable provided there is a description of the services to be performed for each instrument or ~~and/or~~ each piece of equipment and a statement of the frequency of maintenance to be performed.

2) A service contract does not negate the laboratory's responsibility to perform other routine maintenance as may be required.

3) The laboratory must maintain records of preventive maintenance whether performed by the laboratory staff or by an outside source.

c) Specific Laboratory Equipment ~~Other~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Automatic dilutors and samplers, except those checked by use of a calibrator or reference material included in each run, shall be checked for accuracy and reproducibility at least once per month.

2) A serum/cell calibration shall be performed on a serofuge when first put into operation and after major adjustments or repairs. Accuracy of the timer and rpm shall be checked at least quarterly.

3) Volumetric glassware (pipets, flasks) that is not designated "class A" by the manufacturer, shall be calibrated to confirm its designated volume.

4) Cuvettes shall be free of scratches and suitable to the procedure in which they are used. If applicable, the cuvettes should be matched.

5) Specific requirements for checking spectrophotometers and radioactive counting equipment are included in Subpart K.

5) Thermometer readings for temperature controlled spaces and instruments shall be recorded each day for use. ~~Minimum/maximum thermometers shall be used in critical storage areas.~~ Tolerance limits shall be established.

7) All thermometers in the laboratory shall ~~should~~ be checked against a reference thermometer (certified by the National Bureau of Standards or guaranteed by the manufacturer to meet National Bureau of Standards criteria) before being placed into use and annually thereafter.

8) Glassware shall be free from scratches and cloudinesss and graduations shall be legible. "To contain" and "to deliver" pipettes shall be separated.

9) Analytical balances shall be checked for accuracy at least annually with weights which have been verified for accuracy.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.530 Glassware (Repealed)

~~Glassware shall be free from excessive scratches and cloudiness, and graduations must be legible. "To contain" and "to deliver" pipettes are to separated. Cleanliness of glassware must be adequate for the purpose to which it is put.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.540 Lancets, Needles and Syringes (Repealed)

~~Blood letting lancets, needles and syringes, if not disposable, shall be heat sterilized prior to each use. Sterilization shall be by steam at 121.5 degrees centigrade for 2 hours. Each sterilizing cycle shall contain an indicating device to assure proper sterilization.~~

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.550 Electrical Equipment (Repealed)

~~Electrical equipment shall be maintained in a safe condition as regards shock and fire hazards. Metal housings are to be grounded wherever feasible, and protective fuses shall not be bypassed.~~

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.560 Photometric and Spectrophotometric Equipment (Repealed)

~~Photometric and spectrophotometric equipment shall be checked periodically for integrity of wave length settings and accuracy of photometric scale.~~

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.570 Analytic Balances and Weights (Repealed)

~~Analytic balances and Weights shall be checked at least annually, and accuracy of weights verified.~~

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

SUBPART F: OUT OF STATE LABORATORIES ~~AND BLOOD BANKS~~

Section 450.610 Criteria for Licensure

a) Illinois licensure ~~Licensure~~ is required if clinical laboratories ~~and blood banks~~ located outside of this state accept specimens referred by clinical laboratories and blood banks located in Illinois, ~~except as otherwise provided in Subpart A of this part.~~

b) Out-of-state laboratories ~~and blood banks~~ shall ~~must~~:

1) Apply for an Illinois license in the same manner as facilities located in this state and pay the same licensure fees.

2) Comply with all standards applicable to laboratories ~~or blood~~

banks located in Illinois~~,-contained-in-the-appropriate licensing-Acts-and-these-regulations,-including-but-not-limited to-the-provisions-of-Article-VI-and-VII-of-the-licensing~~ Acts. In cases in which the standards of practice permitted in the state in which the laboratory ~~or-blood-bank~~ is located are not in accordance with these standards, the out-of-state laboratories shall ~~and-blood-banks-must~~ comply with these Illinois standards when serving licensed physicians, dentists, hospitals, blood banks, or clinical laboratories located in Illinois which are required to have a license or permit.

3) Submit such reports as may be required, including but not limited to periodic reports of Illinois laboratories or blood banks referring specimens to the out-of-state laboratory ~~or blood-bank~~.

4) Accept evaluation specimens referred by the Illinois Department of Public Health or participate in evaluation of specimens in programs approved by the Department.

5) If located in a state which licenses clinical laboratories ~~and or-blood-banks~~, must hold a currently valid state license. ~~If-a-blood-bank-shipping-blood-in-interstate-commerce,-must hold-a-currently-valid-license-from-the-U.S.-Food-and-Drug Administration.~~

5) If the state in which the laboratory ~~or-blood-bank~~ is licensed conducts a physical inspection of the premises of the laboratory ~~or-blood-bank~~ which in the judgment of the Department is equivalent to that conducted by this Department, this inspection may be accepted in lieu of inspection by personnel of this Department. If the state in which the laboratory is located ~~licensed~~ does not conduct such an inspection program, the laboratory shall ~~or blood-bank-must~~ be inspected at intervals to be determined by the Department, by personnel of this Department, in the same manner as Illinois laboratories ~~and-blood-banks,~~ and must reimburse the State of Illinois for the actual costs involved.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART G: PROFICIENCY SURVEY PROGRAM AND INSPECTION OF FACILITIES

Section 450.710 Inspections

a) All clinical laboratories required to have a license or permit ~~and blood-banks-subject-to-licensure~~ shall be open to inspection by

representatives of the Department at all reasonable times. The premises and operation of all clinical laboratories ~~and-blood banks~~ shall be inspected to study and evaluate the effect of the location, operation, supervision and procedures of such facilities on the health and safety of the people of this state. These inspections will be made at such time as may from time to time be determined by the Department, and may be announced or unannounced. These inspections may include on site review of records and reports pertaining to the technical operations of the laboratory.

b) The Department may submit forms such as check lists to be completed by the director of the laboratory ~~or-blood-bank~~ in advance of inspection. These forms may include questions relating to the construction, sanitation, equipment, procedures, and records which will be reviewed by the Department and will assist it in making inspections to determine compliance with the ~~appropriate-licensing~~ Act and this Part ~~these-regulations~~.

~~c) Blood-banks-holding-current-certificates-if-inspection-and accreditation-by-the-American-Association-of-Blood-banks-may-be considered-to-have-met-the-state-survey-requirements-for-the-year. In-the-interim-years,-site-surveys-will-be-made-by-the-Department.~~

(Soure: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.720 Proficiency Survey Program

a) The Department shall require the "demonstration of proficiency" in the performance of each test offered by licensed or permitted the clinical laboratories ~~laboratory-or-blood-bank~~ by means of State-operated or State-approved proficiency testing programs. The Department may exclude some specific tests from this requirement.

b) Requirements for Testing Service Approval

1) The State-approved proficiency testing service must cover all clinical laboratory and anatomical pathology specialties and subspecialties in which the laboratory performs tests as they are made available and are proven feasible for proficiency testing. One or more proficiency testing programs can be utilized to address all tests conducted by a laboratory.

2) The approved proficiency testing service must provide to the Department an annual list of subscribers among Illinois laboratories authorizing the proficiency testing service to report their proficiency test results to the Department.

3) The approved proficiency testing service must supply exception

reports (cumulative survey management reports-cumulative deviancy reports) covering at least the immediately previous two years of testing and documenting the unsatisfactory results during that minimum two year period. This report must be continuously updated with each new testing period and must be made available to both the participating laboratory and to the Department after each testing period.

4) The approved proficiency testing service must provide at least the following statistical parameters: mean or median, standard deviation or coefficient of variation, and some discussion and/or indication of accuracy and precision.

5) The approved proficiency testing service must document, in writing, the bases for establishing acceptable limits of performance. This documentation must be supplied to the Department and to each participating laboratory at least annually and must cover each test for which proficiency testing is provided. The yearly revision must include all changes made in the criteria for acceptable performance which are to prevail for the ensuing year.

c) A list of the State-approved proficiency testing programs may be obtained from the Department ~~of Public Health~~.

d) The costs of such State-approved proficiency testing shall ~~must~~ be borne by the laboratory ~~or blood bank~~.

e) The laboratory ~~or blood bank~~ shall keep on file a copy of the results of proficiency testing for review by the State laboratory evaluator.

f) Requirements for Laboratory Testing

1) The participating laboratory must test applicable materials each time they are distributed by the approved proficiency testing service according to a schedule approved by the Department.

2) Those procedures performed by the laboratory for which test materials are provided by the approved proficiency testing service and which are not excluded by the Department from the "demonstration of proficiency" requirement must be proficiency tested by the participating laboratory each time test materials are received.

3) The participating laboratory must authorize the approved proficiency testing service to report proficiency test results to the Department.

4) The participating laboratory must test applicable materials only in the laboratory to which the license and the proficiency testing requirement applies using personnel and equipment used in that facility in providing services.

5) A laboratory shall be required to discontinue providing a service in a procedure or category of procedures (hematology, chemistry, bacteriology-mycology, parasitology, immunology-serology, immunohematology, etc.) if:

A) For three consecutive testing periods the laboratory fails to report on test materials received for procedures for which the laboratory is required to be proficiency tested~~,~~; or

B) For three consecutive testing periods the laboratory demonstrates unsatisfactory performance in a procedure or category of procedures. A determination of satisfactory performance for a procedure for a testing period shall be based upon all results being within acceptable limits established by the proficiency testing service for that procedure and approved by the Department. A determination of satisfactory performance for a category of procedures shall be based upon 75% or more of the results in that category over three consecutive testing periods being within acceptable limits established by the Department.

6) A laboratory whose services have been disapproved because of unsatisfactory performance shall be reapproved by the Department to provide these services after meeting one of the following conditions, provided that proficiency testing is the only problem preventing reapproval.

A) The laboratory results for an unsatisfactory discontinued procedure shall be within acceptable limits established by the proficiency testing service for two consecutive testing periods subsequent to the testing periods which resulted in the discontinuance of the procedure. The laboratory results for a disapproved category of procedures shall have 75% or more of the results within acceptable limits established by the proficiency testing service for two consecutive testing periods subsequent to the testing periods which resulted in discontinuance of the category of procedures.

B) On-site-Testing

i) The laboratory director may request the Department to

provide proficiency testing specimens for purposes of retesting. The cost of such proficiency testing specimens shall be borne wholly by the laboratory. The Department shall ship or cause to be shipped, hand carry or otherwise convey to the laboratory such proficiency testing specimens within three weeks after receipt of such request. The Department shall provide an on site visit by a laboratory evaluator for the purpose of determining deficiency correction.

ii) Successful analysis (100% of specific analysis or 75% of the results of a category are within acceptable limits as established by the testing service) shall be based upon test results of specimens similar in number and purpose to those normally received by the laboratory where performance has been judged unsatisfactory.

iii) Successful analysis and site visit findings shall be used to reapprove either a category of procedures or a given procedure.

g) Renewal of a license or permit may be denied for failure to maintain an acceptable standard of proficiency in the program and services provided by a laboratory ~~or blood bank~~.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.730 Western Blot Assay Testing Procedures

All laboratories which conduct the Western blot assay shall comply with the following requirements.

a) Western blot assay Testing Procedures

1) Western blot assay kits licensed by the United States Food and Drug Administration (FDA) shall be performed on specimens which have been found to be repeatably reactive using the enzyme-linked immunosorbent assay (ELISA) test. The laboratory shall perform a Western blot assay test to determine reactivity with viral HIV polypeptides in accordance with manufacturer's recommendations or package insert.

2) When a Western blot assay kit that is not licensed by the FDA is utilized, the testing procedure must be able to demonstrate and reproduce in a second demonstration at least the viral human ~~immunodeficiency virus (HIV)~~ polypeptides in accordance with recommendations of the Centers for Disease Control, Association

of State and Territorial Public Health Laboratory Directors, or ~~Association of~~ American Association of Blood Banks.

3) Western blots must have clear backgrounds and lack non-specific banding; and all banding should be distinct and uniform as well as reproducible.

4) The final blots of non-licensed kits must be examined to determine if the antibodies reacted specifically with HIV polypeptides. Western blot interpretations shall be consistent with the manufacturer's recommendations or package insert.

b) Laboratory Certification and Quality Control

1) The laboratory prior to using any given lot of a non-licensed Western blot kit, shall test all lot material with control sera consisting of negative (no reaction), weakly positive (some reaction-but not strong), and positive (strong, very noticeable reaction) sera. The laboratory shall ensure that the reagent lots are correctly identified with the above control sera. Any and all reagents not meeting the laboratory's specified criteria established in accordance with the quality control system methodologies in Section 450.1150 (g) shall not be utilized for testing.

2) The laboratory shall maintain internal viral ~~HIV~~ Western blot quality control for all Western blot assay. All internal Western blot quality control results shall be maintained by the laboratory for review by the Department.

3) The laboratory shall participate in at least one proficiency testing program for ELISA and Western Blot ~~HIV~~ screening and supplemental testing for viral antibodies offered by the College of American Pathologists, the American Association of Bioanalyists, or the Department. A copy of all proficiency testing evaluation reports shall be made available for review by the Department.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

PART H: SPECIAL REQUIREMENTS PERTAINING TO BLOOD BANKS

Section 450.810 General (Repealed)

~~a) The definition of a "blood bank" is interpreted to include facilities operating or located in Illinois, fixed or mobile, used for the drawing and/or processing of human blood or any of its derivatives prior to transfusion including plasma, serum, packed red~~

~~blood cells, platelets, or leukocytes. (See Section 450.30(b)(4)(5) and (6) exception)~~

~~b) Application for licensure or renewal of licensure are required of all blood banks together with the specified fee regardless of their profit or not for profit status.~~

~~c) Any changes in the program or services of a blood bank shall be immediately reported to the Department in the manner prescribed by the Department. This includes the discontinuance of any service and/or the place of any such service as well as that of any reference or research facility used by the blood bank.~~

~~d) The Department shall request information periodically prior to physical inspection of a blood bank and/or prior to the demonstration of proficiency in the performance of tests offered by the blood bank through examination of specimens submitted by the Department for this purpose.~~

~~e) All phases of the selection of blood donors and of the collections, storage, processing, and transfusion of blood shall be the responsibility of a qualified licensed physician with a thorough knowledge of blood bank methods and of transfusion principles and practices.~~

~~f) There shall be an adequate staff to perform the various phases of a blood transfusion service under his supervision.~~

~~g) Suitable quarters and equipment shall be available to maintain safe and acceptable standards.~~

~~h) Provision for medical care and hospital services for donors who sustain adverse reactions shall be defined and available.~~

~~i) The term "Transfusion" shall apply to whole blood or any of its components.~~

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.820 Applicability of Other Parts of the Regulations (Repealed)

~~Every blood bank subject to licensure shall comply with the requirements set forth in other parts of these regulations which are applicable to the operation of a blood bank.~~

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.830 Donors and Donor Blood/Criteria for Donor Selection

(Repealed)

~~Blood donations shall be accepted only from individuals who present positive identification and evidence of a fixed address. With identification established, the following rules shall be applied on the day of donation by suitably trained persons and the results shall be appropriately recorded.~~

~~a) It shall be determined that the making of the blood donation will not be detrimental to the donor. The following minimum requirements shall apply:~~

~~1) Prospective donors with a history of chronic diseases of the heart, kidneys, lungs, liver, etc., or with a history of cancer, except minor skin cancer, abnormal bleeding tendencies, or of convulsions after infancy shall be excluded subject to evaluation by a qualified physician on the day of donation.~~

~~2) Except for reasonable qualifying circumstances, the interval between individual donations should be at least 8 weeks.~~

~~3) For plasmapheresis not more than 1200 ml. of plasma to be removed in one week.~~

~~4) Whole blood donation must be deferred for at least 48 hours after plasmapheresis.~~

~~b) The donor shall be free of disease transmissible by blood transfusion as ascertained at the time of collection in accordance with the guide for donor requirements.~~

~~c) A guide for donor requirements follows:~~

~~1) General Appearance~~
~~The donor shall appear to be in good health and free from acute respiratory diseases.~~

~~2) Age~~
~~Blood donor shall be between the ages of 17 through 75 (up to 76th birthday) provided:~~

~~A) that the donor is 17 years of age or older~~

~~B) after the 76th birthday, donors may be accepted at the discretion of the blood bank director if they have specific written consent from a physician within two (2) weeks before the date of donation, and provided that they meet all other criteria for acceptability.~~

3) Temperature
The oral temperature shall not exceed 99.6 degrees Fahrenheit (37.5 degrees Centigrade)

4) Hemoglobin or Hematocrit
The measurement of either value is acceptable.

A) The hemoglobin shall be no less than 12.5 grams per 100 ml. for female donors, and no less than 13.5 grams per 100 ml. for male donors.

B) The hematocrit value shall be no less than 38 percent for females, and no less than 41 percent for males.

5) Pulse
The pulse shall reveal no pathological cardiac irregularity and should be between 50 and 100 beats per minute.

6) Blood Pressure
The systolic blood should be between 90 and 180 mm of mercury, and the diastolic should not exceed 100 mm of mercury. Prospective donors with diastolic blood pressure readings between 100 and 110 mm of mercury and donors with abnormal differences between their systolic and diastolic pressures may be accepted only after evaluation by a qualified physician.

7) Pregnancy
Known existing pregnancy shall exclude a donor. Except for exceptional qualifying circumstances a donor shall be excluded for 6 weeks postpartum.

8) Dental surgery
Tooth extraction or other minor oral surgery during the preceding 72 hours shall exclude a donor.

9) Receipt of blood, blood components
Donors who during the preceding six months have received blood or these human blood components known to be a possible source of hepatitis shall be excluded.

10) Infectious diseases
A donor shall be free from infectious diseases known to be transmissible by blood insofar as can be determined by usual examinations.

A) Viral Hepatitis

i) Donors with a history of viral hepatitis as well as those who within six months have had close contact with an individual having the disease shall be excluded.

ii) A donor shall be excluded permanently: If his were the only unit of blood, blood component, or derivative administered to a patient who within six months developed post transfusion hepatitis and who received no other isterogenic blood fractions, or if his blood has ever been known to contain Hepatitis B antigen.

iii) When hepatitis has developed after transfusion of blood, blood components, or derivatives from multiple donors, those donors who have not been previously suspected of hepatitis need not be relected as future donors of whole blood. Each situation should be evaluated individually by the blood bank physician. The possible presence of the agent of viral hepatitis in donors cannot at present be detected with certainty by any available means including history, physical examination and laboratory tests (including a test for the presence of Hepatitis B antigen).

B) Malaria
Travelers who have been in areas considered endemic for malaria by Malaria Program, Center for Disease Control, U.S. Department of Health, Education and Welfare, may be accepted as regular blood donors six months after return to the non endemic area, providing they have been free to symptoms and have not taken antimalarial drugs. Prospective donors who have had malaria shall be deferred for three years after becoming asymptomatic and after cessation of therapy. Prospective donors who have taken anti/malarial prophylaxis or who have been military personnel in an endemic area shall be deferred for three years after cessation of therapy or after departure from the area if they have been asymptomatic in the interim. Immigrants or visitors from endemic areas may be accepted as blood donors three years after departure from the area, if they have been asymptomatic in the interim. Donations to be used for the preparation of plasma, plasma components or fractions devoid of intact red blood cells are exempted from these restrictions.

C) Syphilis
A positive serologic test for syphilis is cause for donor rejection. Donors may be acceptable when they become

seronegative-provided-the-previous-positive-result-was not-due-to-a-condition-which-would-result-in-continued exclusion.

D) Tuberculosis
Prospective-donors-with-clinically-active-tuberculosis-are unacceptable.--Donors-with-a-positive-tuberculin-skin test,-but-without-other-abnormality,-may-be-accepted-if they-have-not-taken-prophylactic-medication-during-the preceding-48-hours.

E) HIV-Infection

i) Blood-and-blood-components-which-have-been-found reactive-when-tested-for-evidence-of-infection-with the-human-immunodeficiency-virus-(HIV)-or-any-other identified-causative-agent-of-AIDS-shall-be-rejected for-blood-donation-in-accordance-with-Section 450.840(e).

ii) Prospective-donors-who-request-that-their-blood-be tested-for-evidence-of-infection-with-HIV-shall-be referred-to-a-HIV-Counseling-and-Testing-Center designated-by-the-Illinois-Department-of-Public Health.

11) Immunizations-or-vaccinations:

A) Symptom/free-donors-who-have-been-immunized-with-toxoids, or-killed-viral,-bacterial-or-rickettsial-vaccines-are acceptable-after-24-hours.--This-includes-tetanus, typhoid,-paratyphoid,-cholera,-diphtheria,-typhus,-Rocky Mountain-spotted-fever,-influenza,-polio-(Salk),-plague and-prophylactic-rabies-duck-embryo-vaccines.

B) Smallpox:--Donors-are-acceptable-either-after-the-scab-has fallen-off-or-two-weeks-after-an-immune-reaction.

C) Measles-(rubeola),-mumps,-yellow-fever,-oral-polio-vaccine and-animal-serum-products:--Donors-are-acceptable-two weeks-after-their-last-immunization-or-last-antigenic dose.--German-measles-(rubella):--Donors-are-acceptable three-months-after-their-last-injection.

D) Rabies-(therapeutic):--Donors-will-be-deferred-until-one year-after-their-last-injection.

12) Donor-skin

The-skin-at-the-venipuncture-site-shall-appear-free-lesions. History-of-a-tattoo-performed-any-place-on-the-body-within-six months-of-donation-shall-be-cause-for-rejection.

13) Alcohol,-narcotics
Obvious-stigmata-of-narcotic-or-alcoholic-hadituation-or intoxication-shall-exclude-a-donor.

14) Allergy
Prospective-donors-with-symptoms-of-bronchial-asthma-should-be deferred.

15) Oral-medication
History-of-recent-drug-therapy-should-be-evaluated-by-a physician-since-the-indication-for-such-treatment-may-be-cause for-donor-rejection.--Exceptions-to-this-requirement-include ingestion-of-vitamins-or-oral-contraceptives.

16) Therapeutic-bleedings
Any-blood-withdrawn-from-a-person-for-a-therapeutic-purpose and-intended-for-future-homologous-transfusion-shall-be-labeled to-indicate-the-donor's-disease.--Therapeutic-bleedings-shall be-performed-only-at-the-written-request-of-a-person's physician.--The-blood-bank-physician-must-decide-whether-he will-accept-the-responsibility-of-bleeding-the-person-in-the blood-bank.--The-use-of-this-blood-for-transfusion-purposes shall-be-submitted-for-the-consideration-of-the-physician-in charge-of-the-blood-bank-and-of-the-physician-attending-the prospective-recipient.

17) Weight-and-amount-of-blood
Donors-weighing-110-lbs-(50-kg)-or-more-may-ordinarily-give-450 plus-or-minus-45-ml-of-blood,-in-addition-to-pilot-samples which-shall-not-exceed-30-ml.--Donors-weighing-less-than-110 lbs-may-be-bled-proportionately-less-in-a-reduced-volume-of anticoagulant,-provided-the-regulations-outlined-in-Section 450.835-are-met.--Prospective-donations-of-blood-exceeding-the recommended-amounts-shall-be-subject-to-evaluation-by-a qualified-physician.

18) Medical-discretion
Any-of-the-above-criteria-may-be-waived-or-modified-by-the blood-bank-physician-in-charge-and-the-donor's-physician,-for certain-medical-indications-related-to-the-therapy-of-the donor.--This-waiver-privilege-extends-to-pregnancy-and/or-the products-of-the-donor's-conception.

19) Fasting

Fasting prior to blood donation is unnecessary.

d) Before any blood is collected, all donors shall be informed that:

1) Each unit of donated blood will be tested for the presence of antibodies to HIV or any other identified causative agent of AIDS.

A) All donors shall be informed about the following:

i) The meaning of the HIV test results, such as the purpose, potential use, limitations of the test and test results; the use of additional confirmatory testing and the related notification procedures; and the availability of referrals for further information and counseling.

ii) The opportunity to refuse HIV testing. If testing is refused, then the person will not be accepted as a donor.

B) Collection of a donor's blood is not permitted without signed written consent of the donor allowing disclosure of the test results to the donor. However, the written informed consent required by P.A. 85-677 and 85-679, effective September 21, 1987 and 77 Ill. Adm. Code 697.120 is not necessary because blood donors are specifically required by law to be tested.

2) Persons infected with HIV are potentially infectious to persons with whom they have contact through sexual relations or the sharing of blood or blood components. Persons with increased risk (high risk) of being infected with HIV virus must not donate blood, except for the purpose of autologous transfusion. High risk persons include the following:

A) persons who have signs and symptoms suggestive of Acquired Immunodeficiency Syndrom (AIDS) (e.g. a combination of two or more of the following: unexpected weight loss of greater than 10) of body weight, chronic fever, chronic lymphadenopathy, night sweats or chronic diarrhea);

B) persons who have had sexual contact with the HIV infected persons;

C) males who have had sexual contact with a male anytime since 1977;

D) persons who have immigrated from countries where heterosexual activity is thought to play a major role in transmission of HIV infection, such as Central Africa and Haiti anytime since 1977 as recognized by the Centers for Disease Control;

E) persons who are (were) present (past) intravenous drug users by self injection;

F) hemophiliacs; or

G) current or former sexual partners of any of the above.

3) Confirmed, available, test results showing evidence of HIV infection (e.g. Western blot assay or Indirect Fluoreseent Antibody tests) will be disclosed in a confidential manner to the donor's physician or the donor no later than 56 days after the date of donation as described in Section 450.840(e).

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.835 Directed Blood Donations (Repealed)

Pursuant to Section 7-106 of the Illinois Blood Bank Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 607-106):

a) Each blood bank licensed under the blood bank Act shall allow a recipient of blood to designate a donor of his choice under the following conditions:

1) The recipient or someone on his behalf, has solicited the donors;

2) The designated donor consents to such donation;

3) The designated donor's blood may be obtained in sufficient time to meet the health care needs of the recipient;

4) The designated donor is qualified to donate blood under the criteria for donor selection promulgated by the Department of Public Health under the blood labeling Act (See, Section 450.830 and 77 Ill. Adm. Code 460.130); and

5) The blood of the donor is acceptable under the requirements of Section 450.840 and for the patient's medical needs.

b) Blood donated for such designated use shall be reserved for the designated recipient; however it is has not been used within 7 days

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

from the day of donation, it may be used for any other medically appropriate purpose as determined by the blood bank director.

c) This Section shall not limit other procedures blood banks may establish to enable directed donations.

d) This Section is automatically repealed as of September 21, 1989.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.835 Donors and Donor Blood Collection Blood from Donor (Repealed)

a) Personnel

The blood shall be collected by trained persons working under the supervision of a qualified licensed physician.

b) Method

The removal of blood from the donor shall be by aseptic methods, utilizing a sterile, closed system, and a single venipuncture. If more than one skin puncture is needed, another donor set and container must be used.

c) Containers

The blood container shall be pyrogen free, sterile, and contain sufficient anticoagulant for the quantity of blood to be collected. the anticoagulant shall be in the container when it is sterilized. The container shall be sufficiently colorless and transparent to permit visual inspection of the blood.

d) Anticoagulants shall be those approved by the FDA (Food and Drug Administration), U.S. Department of Health and Human Services shall be those which meet their standards, and shall be in the prescribed amounts in relation to the volume of blood collected.

e) Donor Identification

A numerical system shall be used to identify and relate the donor record, the blood container, and the pilot tubes in each step from donor to recipient. The donor record shall adequately identify the donor. The donor and the container with its pilot tubes shall be positively identified with each other. The donor's name need not appear on the final label.

f) Protection Against Contamination

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

The donor as well as the future recipients shall be protected by proper preparation of the site of the venipuncture. Preparation of the skin shall provide maximum assurance of an aspetic procedure and a sterile produce. After preparation, adequate care shall be taken to prevent contamination of the phlebotomy needle and the phlebotomy site. Palpation of the vein is again permissible only after the skin has been punctured.

g) Instruments

All instruments intended for reuse, such as lancets, needles, syringes or other blood/letting devices capable of transmitting infection to the donor or recipient, shall be heat/sterilized prior to each use. Heat/sterilization shall be by steam under pressure for 30 minutes at 121.5 degrees centigrade (250 degrees fahrenheit) or by dry heat for two hours at 170 degrees centigrade (338 degrees fahrenheit). Sterilization by ethylene oxide is appropriate for heat/labile or moisture/sensitive supplies and equipment. Such gas must be exhausted from contact with surfaces which will, in turn, contact transfusion products.

h) Pilot Samples for Laboratory Tests

Prior to bleeding, a properly identified and labeled, chemically clean or sterile pilot tube shall be securely attached to the container in a manner which will preclude removal without detection. At the time of collection, additional pilot tubes may be filled for laboratory tests, provided they are properly labeled prior to use and reidentified with the blood container after filling. The integral donor tubing of a container so equipped may be used as a pilot tubes when filled with blood of the donor at the time of bleeding and if it is capable of separation from the container without breaking the latter's hermetic seal. If anticoagulated BLOOD IS USED FOR THE PILOT SAMPLE IT SHALL BE PERSERVED WITH ACD OR CPD solution in the prescribed proporition or with an equally acceptable solution.

i) Care of the Donor

Specific instructions concerning procedures to be followed for prevention and treatment of donor reactions, together with the necessary drugs, equipment and supplies shall be readily available. Donors should be cautioned that, infrequently, delayed dizziness or syncope may be experienced.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.840 Donors and Donor Blood/Identification of Donor Blood

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Repealed)

a) Routine Labeling

The following information shall appear in clear, readable letters on a label firmly attached to the container:

1) Name of component

2) The amount of blood and the kind and amount of anticoagulant

3) The serological test used for syphilis and the result.

4) The required storage temperature

5) The identification number

6) The expiration date

7) The ABO and Rh types in conspicuous lettering.--Subsections (b) and (c) of this Section shall be followed.

8) The results of tests for significant unexpected antibodies (see Subsection (d) of this Section).

9) The nonreactive results of an United States Food and Drug Administration (FDA) approved test for Hepatitis B antigen.

10) The name and address of the blood bank.

11) The following instructions and cautions:

A) The requirements for administration only to recipients who have been demonstrated compatible by crossmatch.

B) The need for a filter.

C) No medication shall be added to the blood prior to or during a transfusion.

D) A statement of the possible presence of the agent of viral hepatitis (see Section 450.830 (c)(10)(A))

E) Federal law prohibits dispensing without a prescription.

F) Mix thoroughly before transfusion.

G) Do not vent plastic containers.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

b) Determination of ABO type
ABO type shall be determined by testing the red blood cells with anti-A and anti-B serums which meet United States Food and Drug Administration (FDA) standards (21 CFR 600 680)(1986), and by testing the serum or plasma for expected antibodies with a pool of known type A (or single subtype A-1) and known type B cells.--The blood shall not be released unless the tests are in agreement.

c) Routine determination of Rh type
The Rh type shall be determined with anti-Rh o (D) typing serum which meets FDA standards (21 CFR 600 680)(1986).--If the blood is typed as Rh o (D) negative, it shall be tested using a technique designed to detect Rh o variants (D u).--Routine testing for additional blood types is not recommended.--The label shall indicate:

1) Rh positive when the red cells are reactive for Rh o (D) or Rh o variants (D u).

2) Rh negative when the red cells are nonreactive for Rh o (D) and Rh o variants (D u).

d) Test for detecting antibodies

1) All donor blood shall be tested for both expected and unexpected antibodies.--This shall be done with Reagent Red Blood Cells that meet FDA standards (21 CFR 600 680)(1986), and are intended for this use.

2) Methods of testing for unexpected antibodies shall be those that will demonstrate hemolyzing, agglutinating, and coating antibodies.

3) Blood in which significant unexpected antibodies have been detected should not be used unless transfused as Red Blood Cells.--(see Section 450.848(b))

e) HIV Testing

All donor blood shall be tested for evidence of infection with HIV by using a test approved by the United States Food and Drug Administration (FDA) (e.g. an enzyme linked immunosorbent assay (ELISA)).--A unit of blood which is found to be reactive by two of three ELISA tests (according to the package insert---product circular) shall not be used for transfusion or for production of components for transfusion or injection and shall be disposed of in accordance with Section 450.1200.--All units of blood which are found to be reactive shall be retested using a confirmatory test

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

approved by FDA or the Department (e.g. Western blot assay or indirect Fluorescent Antibody tests).

2) In the event that blood is transfused before completion of the tests for evidence of HIV infection and if the tests are subsequently confirmed positive, the recipient's physician must be notified within 24 hours.

3) A donor whose blood has yielded a positive confirmatory result (e.g. Western blot assay or Indirect Fluorescent Antibody tests) shall be notified of that test result in accordance with the following requirements in Section 450.840(e)(4).

4) Notification Requirements:

A) The donor shall be advised to contact the blood bank for an appointment to discuss the results of the tests. If initial notification is made by mail, the correspondence must be general in nature (e.g. no references to specific diseases or test procedures shall be made). If the donor does not respond to the initial notification by mail, or if the blood bank chooses not to use such initial notification procedures, the donor shall be advised through certified mail with restricted delivery, messenger or personal visit to contact the blood bank for an appointment to discuss the test results.

B) The medical director of the Blood Bank or the medical director's designee who is knowledgeable about HIV infection including the possible medical and psychosocial aspects of such infection shall be available for a scheduled appointment with the donor at the earliest possible date requested by the donor and shall present and explain the results of HIV testing only in a person to person interview;

C) If the donor has not contacted the Blood Bank for an appointment as described in Section 450.840(e)(4)(A) above or if the donor has failed to follow through with the scheduled appointment, the confirmed test results(s) shall be sent to the donor by certified mail with restricted delivery, messenger or personal visit accompanied by explanatory and referral information which has been provided by the Department or equivalent information;

D) The above described available test results shall be released to the donor or the donor's physician no later

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

than 65 days after the date of donation;

E) If the donor expressly so requested in writing and provides the name and address of his or her physician, the results shall be sent to the physician by certified mail;

F) HIV test results shall be treated as confidential and shall be disclosed as authorized in writing by the donor or as otherwise authorized by the AIDS Confidentiality and Testing Code. 77 Ill. Adm. Code 697.140.

f) Serological test for syphilis
An FDA approved serological test for syphilis shall be made on a specimen of the blood (21 CFR 600 680)(1986). The blood shall not be used for transfusion unless the test is negative. Blood may be issued in an emergency situation without performing a serological test for syphilis provided the label and the records so indicate. An emergency situation is one which requires the transfusion of blood in order to preserve life prior to the completion of the required tests. If the test is subsequently positive, the recipient's physician shall be notified.

g) Test for Hepatitis B antigen (HB Ag)
All donor blood shall be tested for HB Ag using reagents and techniques specified by FDA (21 CFR 600 680)(1986). The unit of whole blood or blood component shall not be used for transfusion unless the test is nonreactive. In an emergency, blood may be transfused before completion of the test of Hepatitis B antigen. An emergency situation is one which requires the transfusion of blood in order to preserve life prior to the completion of the required tests. If the test is subsequently positive, the recipient's physician shall be notified. The medical director shall be responsible for notification of the donor and/or the donor's physician of a positive test for Hepatitis B antigen.

h) Repeat testing

Determination of the ABO and Rh types shall be repeated whenever the facility performing the compatibility test is not affiliated with the collecting facility. Discrepancies shall be resolved before issue of the blood for transfusion purposes. The other tests required by this section do not have to be repeated.

i) Pervious records
A donor's previous record of ABO and Rh types shall not serve for identification of units of blood subsequently given by the same donor. New determinations shall be made for each collection.

j) Retention of blood samples--All pilot samples shall be stored at 1 to 6 degrees Centrigrade for at least seven days after transfusion or expiration date of the blood.--When the blood is discarded the pilot tube need not be saved.

k) Laboratory records
The actual results observed with each test as well as the final interpretation shall be recorded.

1) Control of serologic testing

1) Equipment
The tempature of water baths, heating blocks, Rh view boxes and incubators should be checked daily.--Centrifuges used for serologic testing and for separation of blood components shall be calibrated periodically to determine optimum time and force required to produce desired results.--(See Subpart E of this Part).

2) Reagents
All antisera and test cells of each lot of each shipment shall be evaluated periodically to demonstrate their capacity to detect the corresponding antigens and antibodies.--(See Subpart K of this Part).

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.845 Donors and Donor Blood-Storage and Transportation (Repealed)

a) Temperature

Immediately after collection, the blood shall be placed in storage at an average ambient temperatures of 1 to 6 degrees centigrade. The range of blood temperature should not exceed 2 degrees centigrade.--However, if platelets are to be harvested, the unit of blood should not be chilled but should be maintained at room temperature (about 20/24 degrees centigrade) until the platelets are separated.--The platelets shall be separated within four hours after collection of the unit of whole blood.

b) Refrigeration

1) The refrigerator compartment in which blood is stored shall contain only blood and blood components.--It sahll be provided with a fan for circulating air or be of such capacity and design as to ensure adequate circulation of air.

2) The refrigerator shall be inspected daily at regular intervals

to assure that the proper temperature is maintained.--The sensor for the temperature recording system should be in fluid in a container with heat characteristics similar to that of the blood container.

3) Audible or visual signals, or both, should be in operation to warn continuously of temperature fluctuations approaching the permissible limits 11 to 6 degrees centigrade) before the blood in storage has actually attained the undersirable temperature.

c) Inspection

Each container of blood shall be visaully inspected at regular intervals during storage and, especially, immediately prior to use. Blood showing abnormal color or appearance shall not be used for transfusion.

d) Container

The blood shall be stored in the original bleeding container or other containers attached to it by a closed system in which transfer of the blood can be accomplished without breaking the hermatic seal.

e) Expiration Date

The expiration date is the last day on which the blood or blood component is considered useful for transfusion purposes.--Whole blood collected in acid citrate dextrose (ACD) or citrate phosphate destrose (CPD) anticoagulant solution approved by the FDA shall ordinarily have an expiration date not exceeding 21 days after the bleeding of the donor.--The expiration date of heparinized whole blood (FDA) shall be 48 hours after the bleeding of the donor. These expiration dates may not apply to whole blood collected and preserved with other anticoagulants.

f) Reissue of Blood

A) Blood which has been returned to the blood bank shall not be reissued unless the following conditions have been observed:

i) The container closure has not been disturbed.

ii) The blood has been continuously refrigerated at 1 to 10 degrees centigrade, preberably 1 to 6 degrees centigrade.

iii) The records indicate that the blood has been reissued.

iv) The pilot tube has remained attached to the container if

the blood has left the premises of the issuing facility.

B) If the blood has remained on the premises of this issuing facility, a removed pilot tube may be reidentified by the originally attached label and number which shall correspond with the number on the container.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.848 Preparation of Blood Components (Repealed)

a) General Principles

1) Blood components are those preparations that are separated from single units of whole blood and are intended for use as final products for transfusion. Plasma derivatives (such as albumin, gamma globulin, and fibrinogen) are not covered by these regulations.

2) The sterility of the component shall be maintained during processing by employment of aseptic technics and sterile pyrogen/fee equipment and reagents. The use of equipment which allows transfer of components without breakage of the seal is preferred. If the seal is not broken, the storage period is limited only by the viability and stability of the components. If the seal is broken, the component must be used within 24 hours unless the methods used have been shown to guarantee sterility.

3) Whenever the final container is not the same as that into which the blood was originally collected, care must be employed to ensure correct identification. Whenever possible, the secondary container should be labeled while attached to the primary container.

4) In addition to the component name and statement of original contents, labels on all components shall bear the pertinent information required for the whole blood from which the component was derived.

5) The component shall be visually inspected immediately before use and not issued for transfusion if abnormalities of color, appearance or defects in the container are observed.

6) Careful identification of the recipient and the component is essential. Prior to administration of the component, the transfusionist shall sign the transfusion form indicating that all information identifying the container with the intended

recipient has been matched, item by item.

7) The component shall be administered through a sterile, pyrogen/free transfusion set which has a filter capable of retaining precipitates and goagula capable of harming the recipient.

8) No medication shall be added to the component prior to or during a transfusion.

9) Components shall be stored at monitored temperatures as indicated below. Refrigerator or freezer compartments in which components are stored shall contain only blood and blood components.

b) Red Blood Cells

1) These are red cells remaining after removing most of the plasma from sedimented or centrifuged whole blood.

A) Processing and Storage

i) Red blood cells may be separated from plasma following either centrifugation or by undistrubed sedimentation at any time before the expiration date of the blood.

ii) Storage shall be as stated in 450.845.

iii) Sodium chloride solution (suitable for intravenous use) may be added to facilitate both mixing and administration.

(B) Pilot samples which meet the requirements of pilot samples of whole blood shall be supplied.

(C) Expiration Date

Red blood cells, separated in a closed system, shall be given the same expiration date as the whole blood from which they were derived.

2) Frozen Red Blood Cells

These are red blood cells which have been stored continuously at optimal ultra/low temperatures in the presence of a cryoptrotective agent.

A) The methods of preparation and storage shall ensure at least 70 percent viable red blood cells 24 hours after transfusion.

B) Red blood cells must be provided for pretransfusion tests in a manner to ensure proper identification.

C) The expiration time of the reconstituted cells shall be 24 hours.

3) Leukocyte/Poor Red Blood Cells

These are red blood cells remaining after removal of most of the leukocytes and platelets. This component should retain at least 80 percent of the original red cells. Residual leukocytes vary with the method of preparation. Requirements for pilot samples, labels and expiration date are the same as for the red blood cells (Section 450.845 (b)(1)(B) and (G))

c) Plasma

1) Single Donor Plasma

This plasma separated from an individual collection of whole blood.

A) Processing

i) This component shall be removed from whole blood no later than five days after the expiration date applicable to the whole blood.

ii) Heparin is not an acceptable anticoagulant.

B) Storage

i) This component should be frozen and stored at 18 degrees centigrade or lower for no more than five years.

ii) It may be stored as liquid plasma at temperatures between 1 and 6 degrees centigrade for no more than 26 days from the date of collection if separated in a closed system.

iii) It may be freeze dried and stored in the dry state at temperatures not over 37 degrees centigrade for no more than seven years.

C) Administration

i) Single donor plasma may be infused without a compatibility test when the recipient and the donor are of compatible ABO types and the plasma is known to be free of unexpected antibodies.

ii) An attached or integral pilot tube containing a representative sample of plasma from the donor should be available for testing when the processing and transfusing facility are not the same.

2) Single Donor Fresh Frozen Plasma

This plasma separated from an individual collection of whole blood and then frozen.

A) Processing

i) ACD, CPD or sodium citrate may be used as an anticoagulant.

ii) The plasma shall be separated from whole blood within four hours of collection from the donor and shall be frozen rapidly. Significant loss of factor VIII activity will occur if more than two hours are required for completion of freezing.

iii) If a liquid freezing bath is used, the plastic container must be protected from chemical alteration.

B) Storage

When maintained constantly at -18 degrees or a lower temperature, it shall be stored no longer than 12 months.

C) Administration

i) Immediately before use the component will be thawed with agitation at temperatures between 30 degrees centigrade and 37 degrees centigrade and transfused within two hours after thawing.

ii) See paragraph (c)(2)(C) of this Section.

3) Single Door Cryoprecipitate

This is the cold insoluble portion of plasma recovered after

fresh-frozen-plasma-has-been-thawed-under-controlled conditions.--Factor-VIII-activity-is-concentrated-in-this component.

A) Processing

i) Fresh-frozen-plasma-shall-be-thawed-at-temperatures between-2-and-6-degrees-centrigrade.

ii) Immediately-after-the-completion-of-the-thawing, centrifuge-in-the-cold-(2-to-4-degrees-centrigrade) and-separate-the-plasma-from-the-cold-insoluble portion-under-sterile-conditions.

iii) The-container-shall-be-sealed-and-the-contents completely-refrozen-within-four-hours.

B) Storage

When-maintained-constantly-at--18-degrees-centrigrade-or below,-it-shall-be-stored-no-longer-than-12-months,-from the-time-of-donation-of-the-original-unit-of-blood.

C) Administration

i) At-the-time-of-transfusion-it-shall-be-thawed-at 30-37-degrees-centrigrade-so-that-all-of-the gelatinous-precipitate-is-dissolved.

ii) The-component-may-be-administered-without-a compatibility-test.--Preferably-the-donor-and recipient-should-be-ABO-COMPATIBLE.

iii) Sodium-chloride-solution-(suitable-for-intravenous use)-may-be-added-to-increase-the-volume-and-to facilitate-both-mixing-and-administration.

4) Whole-blood-(cryoprecipitate-and/or-platelets-removed)

Although-separated-components-are-preferred-for-transfusion therapy,-plasma-may-be-processed-for-cryoprecipitate-and/or platelets-and-the-supernatant-plasma-may-be-returned-to-the-red blood-cell-component-in-a-closed-system-or-using-a-technic-that will-ensure-sterility.--Under-such-conditions,-the-label-must indicate-that-cryoprecipitate-and/or-platelets-have-been removed.--The-regulations-for-whole-blood-shall-apply.

5) Single-donor-plasma-(cryoprecipitate-removed)

Provided-a-closed-system-or-other-technic-that-ensures sterility-is-used,-plasma-that-has-been-frozen,-thawed-and separated-from-its-cryoprecipitate-may-be-used-for-transfusion purposes.--The-label-shall-indicate-that-cryoprecipitate-has been-removed.--The-regulations-for-single-donor-plasma-shall apply.

d) Platelet-preparation

1) Platelet/rich-plasma

This-plasma-prepared-by-centrifugation-at-a-force-and-for-a time-known-to-leave-most-of-the-platelets-in-the-supernatant plasma.

A) Methods-of-preparation-and-storage

i) The-whole-blood-or-plasma-from-which-platelet concentrate-is-derived-shall-be-maintained-at-room temperature-(about-20/24-degrees-centigrade)-until the-platelet-concentrate-is-separated.--The-platelet concentrate-shall-be-separated-within-4-hours-after the-collection-of-the-unit-of-whole-blood-or-plasma.

ii) The-time-and-speed-of-centrifugation-must-be calculated-and-designed-to-produce-an-unclumped product-that-yeilds-a-count-of-5.5-x-10-10-platelets per-unit-in-at-least-75-percent-of-the-units-tested.

iii) A-ph-of-6.0-or-greater-shall-be-maintained-during storage.

iv) Platelets-stored-at-room-temperature-shall-be resuspended-in-at-least-30-ml-of-plasma.

v) Platelets-stored-between-1-and-6-degrees-centrigrade shall-be-resuspended-in-at-least-20-ml-of-plasma.

vi) If-stored-at-room-temperature-continuous-gentle agitation-of-the-platelet-concentrate-shall-be maintained-throughout-the-storage-period.

vii) Ingestion-of-aspirin/containing-medication-within-48 hours-may-preclude-use-of-donor-as-the-sole-source-of platelet-preparations-for-a-recipient.

B) Administration

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

The donor unit plasma and recipient red cells preferably should be ABO compatible. When administered to newborn infants the donor and recipient should be ABO identical.

6) Expiration date

The expiration date of platelet concentrates prepared and stored as described above, shall be 72 hours after the collection of the source blood.

(Source: Repealed 13 Ill. Reg. _____, effective _____)

Section 450.350 Plasmapheresis (or plateletpheresis) (Repealed)

a) Definition

Plasmapheresis is the withdrawal of blood to obtain plasma or platelet products (plateletpheresis) with subsequent reinfusion of the red blood cells and/or platelet/poor plasma into the donor.

b) Selection of donors

In general the standards which apply to whole blood (human) shall apply in the selection and care of the donor (see 450.850(d)). Whenever the plasma is not intended for transfusion, or for the preparation of fractions for transfusion, the criteria for donor selection (450.830) may be limited to those designed for the safety of the donor. In such instances, the plasma unit must be prominently labeled "not for transfusion". Plasmapheresis of donors who do not meet the usual requirements shall be done only when the plasma is of unusual value and only when a physician who is aware of the health status of the donor has certified in writing the donor's health permits plasmapheresis.

c) Informed consent

The consent of a prospective donor should be obtained in writing after a licensed physician explains the hazards of the procedure to him in such a manner that he is offered an opportunity to refuse consent. He must be told of the risks of plasmapheresis, including the posibility of a hemolytic transfusion if he is given someone else's cells, and, if he is to be immunized or hyperimmunized, of the hazards involved. For example, in the case of immunization with human blood components, he should be told specifically about the risk of viral hepatitis as well as about the increased risk of receiving incompatible blood if he ever needs a trnasfusion. A prospective donor who is to be given antigen should also be told the maximal number of injections, the nature of the material to be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

injected, and the appropriate duration of the immunization program.

d) Care of donors

1) A licensed physician meeting the qualifications set forth in Section 6-101 of the Blood Bank Act shall be physically present and responsible for all the phases of plasmapheresis, in which he is well versed, including the determination of donor suitability, the administration of antigen, collection and processing of the blood and its components, and for ensuring proper autotransfusion. The services of a qualified licensed physician must be immediately available to the donor who manifests an adverse reaction. The assistants under the Physician's supervision shall be fully trained in the recognition and prevention of all potential precedural hazards and should be prepared to institute emergency care while awaiting the physician's specific directions.

2) Before each plasmapheresis, the donor's serum protein and hematocrit or hemoglobin concentration shall be measured. In serial plasmapheresis programs, the donor's serum must be tested at least once during the 10 days before donation and found nonreactive for hepatitis B antigen. The donor's weight shall be recorded at each donation. At least once every four months during a serial plasmapheresios program, a serologic test for syphilis shall be performed and be nonreactive, and a serum protein electrophoresis or quantitative determination of immunoglosulins shall be found to be within normal limits. At least once every two months the physician in charge should review each donor's physicial status and the accumulated laboratory data to determine whether the donor should continue in the program. If adverse effects of plasmapheresis are noted, the physician should advise the donor to obtain personal medical care and should make available to the physician giving the care such medical records as he may require.

3) Plasmapheresis should be deferred if there is unexplained weight loss of significant degree, if the hemoglobin or hematocrit falls below those acceptable for whole blood donors, or if the total protein falls below the normal value for the technic used for the determination.

4) If a participant in a plasmapheresis program donates a unit of whole blood, or if it becomes technically impossible to return his erythrodytes to him during a plasmapheresis, he should be removed from the program until his hemoglobin concentration exceeds the minimum required for whole blood donors. At least 96 hours should elapse between the time of the last whole blood

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

donation in which red cells were retained and a subsequent plasma or plateletpheresis.

5) No person other than a licensed physician or one authorized by law shall manipulate a person for the collection of blood specimens or human blood for transfusion except that the technical personnel of a blood bank may draw blood under a licensed physician.

e) Procedure

1) The system used in performing phlebotomy and processing the blood should not add hazards to the donor and should be designed to ensure safe autotransfusion. Containers and anticoagulants shall meet the standards for whole blood (human) or plasma. Before the blood container has been separated from the donor for processing, it shall bear two separate and independent means of identification that will enable both the donor and the phlebotomist to determine without doubt that the contents are those of the donor. Plasmapheresis shall be done aseptically under conditions that avoid air embolism. During their separation, the red blood cells shall be maintained at a temperature not exceeding 37 degrees centigrade and under conditions known to ensure the sterility and viability of these cells upon their return to the donor.

2) All available erythrocytes from the phlebotomy should be returned to the donor within 2 hours of the phlebotomy. Erythrocyte loss, including blood for test purposes, should not exceed 25 ml per week during serial plasmapheresis. Because there is always some possibility that the donor's cells may somehow fail to be returned, the quantity of blood removed from a donor at any one time should not exceed 500 ml. The plasma from no more than 2 liters of blood may be retained in any one week, and the plasma from no more than 1 liter of blood may be retained in any 48 hour period.

3) The physician responsible for admitting and continuing donors in the program shall also be responsible that the required laboratory tests on the donors are performed by laboratories in accordance with Article VII, Section 7 103 of the Blood Bank Act and Subpart K of this Part.

f) Donor Immunization and Hyperimmunization

1) Every immunization or hyperimmunization program undertaken to enhance the usefulness of the recipient's plasma for subsequent donation as whole blood or plasma should be supervised and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

approved by a peer review group established along the lines proposed for supervision of clinical investigations of new drugs.

2) The selection and scheduling of the injection of the antigen, and the evaluation of each donor's clinical response, shall be by a qualified director.

3) Antigens used in such programs should, where possible, be federally licensed products.

4) If there is no suitable licensed antigen, a full description of the antigen to be used should be provided to the review group, which should be convinced of the safety of the antigen preparation and assured that the donor will not be harmed as a result of the procedure. All antigens should be sterile, or, when viable antigens are used, should be free of all other infectious agents, as determined by appropriate test before use.

5) Schedules for administration of antigen, criteria for acceptability of plasma and results with suitable standards by the assay to be used should be made available to the review group before the procedure is begun. Any subject who responds inappropriately should be retired from the immunization program.

6) All records concerning the antigen, the laboratory characteristics of the plasma donor, and immunization schedule should be retained for at lestt 5 years after the donor retires from the program.

7) The selection and administration of human erythrocytes as antigens should be subject to the following safeguards:

A) The cell donor's test for hepatitis B antigen should be negative, as determined within 10 days before each donation.

B) Aliquots of large quantities of freeze/preserved erythrocytes from donors whose blood is considered to carry a minimal risk of hepatitis should be used when possible.

C) The peer review group should satisfy itself that all appropriate steps have been taken to minimize the likelihood that the cells to be used as antigen will transmit heaptitis to the potential plamsa donor or will

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

result in the production of additional blood group antibodies.

B) If immunization of non-immunized plasma donors is necessary, concurrence of their personal physicians should be mandatory.

E) Immunized women who are to be subjected to further immunization should be at least 2 years past menopause or have been permanently sterilized.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.860 Autologous Transfusion (Repealed)

a) General Principles

1) For purposes of these regulations, autologous transfusion refers to the removal and storage of blood or blood components from a donor for subsequent reinfusion.

2) Autologous transfusion must not be undertaken without the consent of the patient's physician.

3) Autologous transfusion must not be undertaken without the written informed consent of the patient, or if indicated, his parent or guardian.

4) Unless the patient/donor and the donated unit meets all accepted medical criteria for donors, the predeposited unit must be labeled "For autologous use only" and used solely for this purpose. Autologous transfusion should not be undertaken when the patient/donor has, or is being treated for, bacteremia.

5) Units intended for autologous transfusion must be segregated in the blood bank refrigerator.

b) Criteria for autologous donation

1) Volume

The volume of blood collected must comply with the provisions in Section 450.830(c)(17).

2) Frequency

Except under special circumstances, donations should be no more frequent than every four days. If an exchange is performed using previously donated autologous units, a qualified, licensed physician must be on the premises.

3) Hemoglobin

The hemoglobin concentration of the patient/donor should be 11 gm per 100 ml or greater. The hematocrit value, if substituted, should be at least 34 percent. Phlebotomy of a patient/donor with a hemoglobin concentration or hematocrit below these levels should be performed only with the approval of the patient's physician.

4) Age

There are no age limits for autologous transfusion.

c) Labeling requirements

1) The following information shall appear on a special label attached to the blood container:

A) Patient's name and signature

B) Patient's hospital registration number (or, if unavailable, social security number, birthdate, or similar identifying information).

C) Date of donation.

D) Indication whether blood must be used only for autologous transfusion.

2) If the blood is made available for homologous transfusion the special label may be removed, but the label on the container must contain the information specified in 450.840(a).

d) Pretransfusion testing of units for autologous transfusion

1) ABO grouping and RH typing must be confirmed before the unit is transfused.

2) Testing for unexpected antibodies, hepatitis B antigen, and syphilis is optional.

3) Compatibility testing is optional.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 450.870 Transfusion Service Records (Repealed)

~~a) Maintenance~~

~~Maintenance of adequate records is essential for an acceptable blood transfusion service. Each blood transfusion service should develop a system of record keeping which best serves its needs. The record system should make it possible to trace a unit of any blood or blood component from donor to recipient, and to recheck the laboratory records applying to the specific product.~~

~~b) Retention of Records~~

~~Information concerning the following phases of the transfusion service shall be recorded and appropriately retained for at least five years. Legal requirements for retention of records vary in different states.~~

~~1) Donor history, examination, release and reactions~~

~~2) Adverse reactions to transfusions~~

~~3) Refrigeration temperature~~

~~4) Quality assurance records~~

~~5) Blood inspection~~

~~6) Blood and components received from outside sources~~

~~7) Disposition of unused blood~~

~~8) Laboratory tests: The actual results observed with each test as well as the final interpretation shall be recorded.~~

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 450.920 Terms Not to be Used in Names of ~~blood banks or~~ Laboratories

The term "certified", "approved", "qualified", or like terms shall not be incorporated in the name of any laboratory ~~or blood bank~~, nor shall such terms be used in connection with any laboratory ~~or blood bank~~.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.930 Prohibitions in Advertising and Announcements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Since permitting and licensing under the provisions of ~~either of~~ the Acts does not imply approval but serves merely as notice to the Department of the location of facilities and the character of program and services, there shall be no reference in any advertisement or announcements expressing or implying approval by the Department.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.940 Acceptance of Specimens and Reporting of Results

No clinical laboratory ~~or blood bank~~ shall accept specimens or report results except as provided in Article VII of ~~each of~~ the Act ~~licensing Acts. No clinical laboratory shall enter into a contractual agreement for the provision of laboratory services for a fixed fee independent of the number of specimens submitted for such services, except that a laboratory may enter into a fixed fee contractual arrangement with a health maintenance organization, as defined in Section 450.110(g), for the provision of laboratory services based on a capitation rate. For these clinical laboratory tests which are requested by a licensed physician, licensed dentist, or licensed podiatrist, or performed in the course of multiphasic screening, it is understood that an arrangement exists regarding treatment or referral when necessary, of the patient from whom the tests are requested, by the licensed practitioner who requested the clinical laboratory tests. Blanket requests for clinical laboratory tests to be performed on groups of individuals irrespective of treatment, are declared to be in violation of the Illinois Clinical Laboratory Act.~~

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.950 Referral of Specimens for Examination to Unlicensed Laboratories

No clinical laboratory ~~or blood bank~~ shall refer specimens for examinations to unlicensed laboratories, except that referral of laboratory examinations to the laboratory or blood bank of a hospital licensed under the Hospital Licensing Act ~~(111. Rev. Stat. 1983, ch. 111 1/2, pars. 142 et seq.)~~ is not considered a violation of the ~~Licensing~~ Act and this Part.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART J: RECORDS AND REPORTS

Section 450.1010 Necessary Records

~~Records to be maintained.~~

a) Complete records in regard to each specimen examined shall be kept on file in the laboratory ~~or blood bank~~ for not less than five

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

years. Such records shall contain:

1) Laboratory number or other identification of the specimen.

2) The name of the person from whom the specimen was taken, except in cases of anonymous HIV testing or of anonymous or coded premarital syhphilis testing. The names and addresses of persons who have chosen to have HIV testing done anonymously may not be recorded in the files, except that any existing records referring to testing done before anonymity was chosen may be retained without linkage to the anonymous testing.

3) The name of the licensed physician or other authorized person, clinical laboratory, or blood bank submitting the specimen.

4) The date the specimen was collected and the date the specimen was received in the laboratory ~~or blood bank~~.

5) When a specimen is forwarded to another clinical laboratory ~~or blood bank~~ for tests, the name, the date when the specimen was forwarded to such laboratory ~~or blood bank~~, the date it was tested, and the date the report of the findings of the test was received from such laboratory ~~or blood bank~~.

6) In case the specimen is an unsatisfactory specimen, the condition of the specimen when received.

7) The types and numbers of tests performed annually.

8) The results of the test conducted by the laboratory ~~or blood bank~~, the method used, and the signature of the examiner.

9) ~~Reports to referring laboratories and/or practitioners.~~ Results of laboratory tests are to be reported to the referring laboratory and/or practitioner is accordance with Sections 3-101, 7-102, and 7-103 ~~or~~ of the ~~Illinois Clinical Laboratory~~ Act ~~and Sections 7-102 and 7-103 of the Illinois Blood Bank Act~~.

b) Reports to be submited to the Department.

A laboratory shall submit reports containing such information and data concerning its technical operations, as may be requested by the Department. The Department may require that such reports be ~~under oath~~ notarized and signed by the owner and director of the laboratory if these are different.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: QUALITY CONTROL

Section 450.1110 Responsibilities of Director

The director(s) of a ~~licensed~~ clinical laboratory which has a license or permit I or II under the Clinical Laboratory Act shall:

a) Establish, implement, monitor, and document a quality control program which at a minimum meets the requirements of this Subpart. This quality control program shall include documentation of corrective actions taken.

b) Determine the laboratory procedures which will be performed and the instruments and methodologies that will be used.

c) Establish a program to validate new procedures before laboratory results are reported. The validation procedure for quantitative methods must have provisions to determine accuracy and precision.

d) In accordance with the weekly schedule established by the Director, assess the activities of the laboratory by personal observation, evaluation, and review of reports of laboratory findings. The director shall establish a policy for review of all abnormal findings.

e) Determine the format of laboratory report forms and decide what information is to be contained on the report forms.

f) In accordance with the weekly schedule established by the Director, consult with supervisors and other staff members and review the adequacy of the quality control program.

g) Confer with those served by the laboratory on matters that relate to test performance and determine the nature and scope of technical and administrative information to be released by the laboratory staff.

h) Ensure that proper personnel qualifications are met. (See Subpart D)

i) Ensure that all reagents used in the laboratory are not beyond their expiration date.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.1120 Reference Materials

a) Shall be used for each test procedure.

b) Statistical methods, using at least 20 measurements, shall be used to

calculate the mean value and standard deviation and set action limits for at least one reference material for each quantitative test.

c) The results of the analysis of the reference material(s) for each day of testing shall be recorded and shall be clearly displayed ~~plotted each day of testing on a graph which clearly displays the mean value and action~~. Action limits shall be clearly displayed condused to detect problems ~~for that reference material~~. Results and action limits shall be available for inspection.

d) Each test procedure shall have a plan for remedial action to be taken in response to detected problems as soon as discovered.

e) When lot numbers (batches) of reference materials are changed, the old and new lots shall be tested in parallel until suitable action limits are obtained for the new lot.

f) All methods which do not have reference materials shall be controlled by duplicate testing with established tolerance limits.

Section 450.1130 Preventative and Corrective Maintenance Program

A preventive and corrective maintenance program shall be established which and includes appropriate periodic inspection and testing of laboratory equipment. The requirements are given in Subpart E.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.1140 Procedure Manuals

a) Current procedure manual(s) prepared by each laboratory shall be available for use by technical personnel. Manufacturer's manuals and textbooks may be used as supplements to the laboratory manual, but not in lieu thereof.

b) Each procedure manual shall contain a table of contents reflecting the name of the test; methodology used; annual review by the director; date and type of change in methodology, instrumentation, reagents, etc., which are approved by the director with cross reference to the actual change in that procedure. Each procedure shall use the headings below and include, where applicable, all items listed. The following format is recommended.

1) Principle of the test.

Include a brief statement concerning the type of reaction(s) involved.

2) Specimen.

A) State the conditions for patient preparation.

B) Specify the type of sample with respect to volume of sample required, anticoagulants, preservatives, stability, and requirements for storage.

C) State the criteria for an unacceptable sample.

D) Specify handling conditions with respect to timing, transport or storage conditions, and special equipment.

E) State the criteria for proper specimen identification.

3) Reagent preparation.

A) List specific reagents used in the procedure.

B) State the directions for preparation and labeling of each reagent to include the initials of the person who prepared the material, contents, concentration, lot number, date of preparation, expiration date, and storage requirement.

C) For coagulation reeagents, record the time of reconstitution and initial

4) ~~Calibration~~ Procedure, calibration

A) Give detailed stepwise instructions including dilutions of working standards (calibrators). List standards used, grade of purity required and storage requirements.

B) State specifications for photometric reading (%T, absorbance, etc.).

C) Where calibration graphs are used, the type shall be specified.

D) Specify acceptable tolerances for standards and corrective actions to be taken if results are outside the tolerance limits.

5) Procedure.

A) Write detailed instructions in a stepwise manner. A flow chart may be used as an adjunct.

B) Specify the following for photometric measurements.

i) Type of instrument.

ii) Wavelength.

iii) Cuvette size.

iv) Solution used as a blank.

v) Range of linearity.

vi) How the raw data are read (%T, absorbance, etc.).

vii) Stability of the final solution.

C) Clearly indicate safety hazards.

6) Calculations

A) Give stepwise instructions for calculations.

B) Give the equation.

C) Give a precise example.

D) Describe the common variations in calculations.

7) Quality Control.

A) State the reference materials to be used.

B) Give instructions for preparation of reference materials.

C) State the minimum frequency with which reference materials are to be run.

D) State how action limits for reference materials are to be established.

E) State the corrective actions to be taken when action limits are exceeded.

8) Reporting results.

A) State expected ranges where appropriate.

B) Give information about methodology which may be necessary

for interpretation of results.

C) Give guidelines as to acceptable reporting format and units as applicable.

D) A system for handling critical values shall be available.

E) State the laboratory confirmed upper and lower limits of linearity and/or detection limits for the procedure to insure that reported results are within these limits.

9) Procedural notes.

A) List possible sources of error.

B) Describe the plan for an alternate means of specimen handling or analysis in the event the procedure should fail.

10) References.

Document the source(s) of information used in the procedure.

11) Utilization of product package inserts. Include a system to assure that package inserts are current with and applicable to the kits or reagents actually in use. Package inserts may not be used as part of the procedure manual unless they comply with all of the provisions enumerated under this Section.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.1150 Quality Control System Methodologies

a) Hematology

1) Manual Procedures

A) Each procedure shall be ~~recalibrated or~~ rechecked or recalibrated each day of use with standards (calibrators) or reference materials covering the range of expected values. See Section 450.520 for checking dilutors and samplers.

B) Hemoglobin-~~Hemoglobin~~ methodology shall be calibrated monthly with standards that cover at least three concentrations and a zero point.

C) Hematocrit-Optimum packing time of microhematocrit centrifuges shall be determined before being placed into

use and after major adjustments or repairs. The speed of the microhematocrit centrifuge shall be checked monthly. Tolerance limits shall be established. Timer checks shall be performed monthly. Tolerance limits shall be established.

D) Red and White cell counts - The hemocytometer counting chamber and coverslip shall be maintained in a condition that does not interfere with cell recognition or the volume of the chamber. ~~Correct~~ Coverslips certified by the Bureau of Biological Standards shall be used. Counts shall be performed with certified pipettes or pipettors whose accuracy has been determined by the manufacturer.

E) Platelet counts - Manual platelet counts shall be performed by counting both sides of the chamber ~~in duplicate~~. Tolerance limits shall be established. A procedure to compare platelet results with the differential blood film shall be established.

F) Differential Leukocyte count - Blood smears shall be prepared and stained by a method which produces smears in which morphologic cell features can be ~~properly~~ evaluated. Cellular morphology shall be examined and platelets estimated routinely with the differential count.

2) Automated Procedures

A) Particle Counting and Hemoglobin

i) Calibration techniques shall follow the manufacturer's specifications.

ii) The director shall establish criteria for high and low counts and determine the policy for verification. Tolerance limits shall be established for duplicate testing.

iii) Background counts shall be performed daily on diluent and lysing agents.

iv) Reference materials ~~Patient specimens~~ shall be used each, or after each run to assess precision.

v) Each procedure shall be checked or recalibrated each 8 hours, if the instrument is used during the 8 hour period, with standards (calibrators) or reference materials covering the range of expected values.

B) Differential counts

i) The manufacturer's specifications shall be followed with respect to operation, calibration, and the use of reference materials.

ii) The director shall establish a policy for the review of all abnormal differentials that indicate an abnormal cellular, ~~erythrocyte~~ morphology, or abnormal and platelet enumeration.

3) Coagulation studies

A) ~~Patient specimens and reference materials for prothrombin times and partial thromboplastin times shall be performed in duplicate and tolerance limits established. Two levels~~ of reference materials for prothrombin and or partial thromboplastin times shall be used during each 8 hours when the instrument is used. Action limits shall be established.

B) ~~The manufacturer's thromboplastin dilution curve shall be verified with each new lot, if the prothrombin time results are reported in percent activity.~~ If available commercially, two levels of reference materials shall be included in each run for all other coagulation procedures. Patient specimens shall be performed in duplicate and tolerance limits established.

b) Chemistry

See Section 450.1120 for general quality control requirements. See Section 450.520 for checking dilutors and samplers.

1) Manual-Automated procedures which use a Spectrophotometer or Photometer

A) Calibration of the optical component of each instrument shall be done in accordance with the instrument manufacturer's instructions.

~~A) The wavelength of the filters used in photometers shall be checked at least annually.~~

~~B) The wavelength of spectrophotometers shall be checked daily with appropriate filters or solutions and tolerance limits established.~~

~~G)~~ ~~Instrument linearity shall be checked on monthly with appropriate solutions and or filters.~~

~~D)~~ ~~Calibration and operation techniques shall follow the manufacturer's specifications.~~

BE) Each procedure shall be recalibrated at least every three months or more frequently in accordance with the following: ~~each day of use unless a stored curve is developed.~~

~~F)~~ ~~Stored curves may be used for calibration for a period of time not to exceed three months, provided:~~

i) ~~The curve is point checked daily to verify continued validity and tolerance limits are established.~~ Procedures which are linear shall include at least 3 standard concentrations (calibrator) (unless the instrument, manufacturer specifies that 3 calibrators are not necessary to determine procedure in earity and calibration over the reportable range) including one at the highest level of the reportable range and one near the threshold (cutoff).

ii) ~~The procedure is recalibrated when a new batch of reagent is used.~~ Procedures which are non-linear over the reportable range shall include (unless the instrument manufacturer specifies that procedure calibration over the reportable range can be accomplished in another manner) a minimum of 5 standard concentrations (calibrator).

iii) The procedure is recalibrated when major instrument maintenance has been performed.

iv) ~~Procedures which deviate from Beer's Law shall include a minimum of 5 concentrations.~~ The procedure is recalibrated in accordance with the manufacturer's recommendations and when a reagent lot number is changed.

v) ~~Procedures which are linear shall include at least 3 concentrations.~~ The procedure is recalibrated when the quality control program reflects an unusual trend or the controls fall outside acceptable limits.

~~vi) Each run of unknown specimens shall include two levels of reference materials.~~

C) At a minimum, one reference material and one calibrator or two reference materials with different concentrations shall be used for each analyte in each run of unknown specimens, except, when prepackaged reagent analyzers are used, one reference material and one calibrator or two reference materials with different concentrations shall be used once in each 24 hour period in which the analyzer is used for that analyte.

2) Atomic Absorption Flame Photometers

A) The atomization rate shall be checked each day of use.

B) Each run of unknown specimens shall include two levels of reference materials.

C) Calibration and operation techniques shall follow the manufacturer's specifications.

D) Each procedure shall be recalibrated each day of use.

3) Chromatography

A) A standard (calibrator) shall be included with each batch of unknown specimens.

B) Calibration and operation techniques shall follow the manufacturer's specifications.

C) Reference materials (spiked samples) shall be included in each batch of unknown specimens and are treated the same as unknowns.

4) Electrophoresis

A) The linearity of a densitometer shall be checked each day of use.

B) Reference materials for comparison of migration patterns and stain intensity shall be included with each run.

5) Ionic Selective Electrode

A) The manufacturer's recommendations shall be followed with respect to calibration and control procedures.

B) Reference materials shall be included with each run.

6) Radioimmunoassay

A) The stability of radioisotope counting equipment shall be checked each day of use with an appropriate radioactive reference source. Tolerance limits shall be established.

B) Background counts shall be performed each day of use and tolerance limits established.

C) Each procedure shall include calibrators (standards) as recommended by the reagent manufacturer.

D) Reference materials shall be included with each run.

E) The duration of the counting times shall follow the recommendations of the instrument manufacturer.

7) Mass Spectrometry

A) Mass spectrometers shall be tuned daily.

B) Procedures for checking air leaks and determining ion ratios shall be available and followed.

C) Ion ratios shall be determined for each instrument and each assay if appropriate for that instrument.

D) If ion ranges are used, criteria shall be available for designating a positive.

c) Urinalysis

1) Specific gravity equipment shall be calibrated with distilled water and one other solution of know refractive index each day of use.

2) Screening or qualitative chemical urinalysis shall be checked daily by use of suitable reference materials.

3) Calibration and the use of reference materials for equipment which utilizes automatic readers shall follow the recommendations of the manufacturer.

d) Bacteriology-mycology

1) Each unit of media shall be properly labeled to indicate identity, date of preparation-receipt and expiration date.

2) Each batch of media shall be tested before use or concurrently with selected organisms for selectivity, sterility, enrichment, and biochemical response.

3) Appropriate ATCC strains shall be available and maintained.

4) All reagents, strips, discs, and antisera shall be properly labeled as to lot number and expiration date and checked each day of testing with organisms that produce positive and negative reactions.

5) An adequate incubation system shall be used and must be appropriate for the kinds of organisms isolated and volume of work. CO2 incubators shall be checked daily to insure that CO2 concentration is maintained within established tolerance limits.

6) Flow charts may be used to indicate all steps to be employed to isolate and identify all organisms.

7) The daily log or worksheet shall reflects all tests and test results which lead to the isolation and identification of all microorganisms.

8) Staining materials shall be checked each day of use against organisms with the expected staining characteristics.

9) A wire loop used for quantitative tests shall be calibrated prior to placing into use and quarterly thereafter.

10) Agar Disc Diffusion methods:

A) The agar disc diffusion test shall be checked with each new batch of media and ~~each day testing is performed;~~ at least once each seven days with stock cultures of Escherichia coli ATCC 25922, Staphylococcus aureus ATCC 25923, and Pseudomonas aeruginosa ATCC 27853. Zone sizes shall be recorded for each antimicrobial agent. Limits shall be established.

~~B) Each new batch of medium shall be checked with Escherichia coli ATCC 25922, Staphylococcus aureus ATCC 25923 and Pseudomonas aeruginosa ATCC 27853.~~

~~C) Each day the test is performed the appropriate organism must be included to check the testing procedure. If the isolates are Gram positive organisms the Staphylococcus aureus ATCC 25923 must be included; if the isolates are enteric organisms the Escherichia coli ATCC 25922 must be~~

~~included and if the isolates are Pseudomonas species, the Pseudomonas aeruginosa ATCC 27853 must be included.~~

~~D)~~ Petri dishes used shall have a diameter not less than 150mm and contain no more than 12 discs.

EC) Susceptibility tests ~~should~~ shall be performed on pure cultures only.

FD) A barium sulfate turbidity standard shall be used for the Kirby-Bauer method.

11) Minimum Inhibitory Concentration (MIC) Methods:

A) The MIC test must be checked with each new batch of media and ~~each day testing is performed~~ at least once each seven days with stock cultures of Escherichia coli ATCC 25922, Staphylococcus aureus ATCC 29213, and Pseudomonas aeruginosa ATCC 27853. The MIC values must be recorded for each antimicrobial agent. Tolerance ~~L~~limits ~~must~~ shall be established.

~~B) Each new batch of medium shall be checked with Escherichia coli ATCC 25922, Staphylococcus aureus ATCC 29213, and Pseudomonas aeruginosa ATCC 27853. Streptococcus faecalis ATCC 29212 should also be used to check the system where trimethoprim/sulfamethoxazole is included in the battery of antibiotics.~~

~~C) Each day the test is performed appropriate organism(s) must be included to check the testing procedure.~~

~~DB)~~ ~~If the isolates are Gram positive organisms the Staphylococcus aureus must be included; if the isolates are enteric organisms the Escherichia coli must be included; if the isolates are a Pseudomonas species; the Pseudomonas aeruginosa must be included.~~ When trimethoprim - sulfamethoxazole is included in the battery of antibiotics, Streptococcus faecalis ATCC 29212 shall ~~should~~ also be included as a control.

12) Automated susceptability testing systems shall follow the quality control requirements specified by the manufacturer or at a minimum those specified under item 11 above.

e) Parasitology

1) A calibrated ocular micrometer shall be available for

determining the size of ova and parasites when size is a critical factor.

2) The laboratory shall have an atlas and-or reference collection of prepared slides, transparencies or gross specimens. The collection ~~must~~ shall include organisms which the laboratory encounters and reports from patient specimens.

3) Permanent stain ~~should~~ shall be used for the examination of intestional protozoa and other parasites where internal structure is critical for proper identification.

4) Concentration methods shall be routinely employed on all stool specimens negative for ova and parasites by direct examination methods. Concentration techniques ~~should~~ shall be capable of detecting all cases of clinically significant parasites likely to be encountered in the community.

f) Immunology-Serology-Immunochemistry

Kits purchased for serological testing ~~must~~ shall be used in accordance with the manufacturer's instructions.

1) VDRL/RPR

A) Non/reactive, minimally reactive, and reactive reference materials shall be included with each run.

B) The needle delivery shall be verified within plus or minus two drops per ml each ~~day of use~~ time a new needle is used, when control patterns can not be reproduced, and when the antigen does not drop clearly from the needle.

C) The revolutions per minute of the rotator shall be checked each ~~day~~ week of use and be within the recommended tolerance limits.

D) Each new lot of antigen and reference materials shall be checked with non/reactive, weakly reactive and reactive reference materials before being placed into use.

E) Ambient temperature in the test area shall be maintained between 23 degrees Centigrade and 29 degrees Centigrade.

F) The antigen for VDRL testing shall be prepared fresh each day of use.

2) Qualitative tests

Positive and negative controls shall be included in each run. Each new lot of reagents and reference materials shall be parallel checked with one of known reactivity before being placed into use.

3) Quantitative tests

Each quantitative test shall include with each run a negative control, where applicable, a positive control of known titer or controls of graded reactivity ~~and a negative control~~. Each new lot of reagents and reference materials shall be parallel checked with one of known reactivity before being placed into use.

g) Immunohematology

1) ABO grouping reagents and Rh typing sera ~~must~~ shall conform to the requirements of licensure under 21 CFR 600-680 ~~Chapter I, Subchapter F, Title 21, Code of Federal Regulations~~. Any facility which produces their own products shall adhere to these same requirements.

2)~~A~~) All antisera, ABO reagent red cells, anti/human globulin (Coombs) shall be tested each day of use with a positive control.

3)~~B~~) Antibody screening reagent red cells shall be tested each day of use with at least one know antibody.

4)~~C~~) All antisera except ABO antisera shall be tested each day of use with a negative control.

5)~~3~~) The reagent manufacturer's protocol for testing ~~must~~ shall be followed.

6)~~4~~) An autologous cell control is required when samples are being tested for Rh type. An autologous cell control is not required to accompany the Rh type when testing donor samples.

~~h) Cytology~~

~~1) The quality of stains shall be evaluated daily by the director and suboptimal stains corrected immediately.~~

~~2) All solutions shall be filtered and or replaced at least once each day of use.~~

~~3) The director shall assume direct responsibility for rescreening 10% random sample of gynecological smears which have been interpreted to be negative. All smears interpreted to be suspicious or positive and all nongynecological specimens shall be reported by the Director.~~

~~4) There shall be a program to correlate positive cytologies with reports of tissue biopsies.~~

~~5) Diagnostic nomenclature shall be clearly defined in the procedure manual and made available to the physician.~~

~~6) All automated equipment used in cytology preparation shall be used in accordance with the manufacturer's recommendations.~~

~~7) All cytologic slides must be clearly identified, labeled with permanent labels, and stored so they are readily accessible. All abnormal slides must be stored permanently. Normal slides shall be retained for two years before discarding.~~

i) Histopathology

1) All special stains shall be controlled by use of positive tissues.

2) All tissue specimens shall be kept in a preservative until microscopic examination and diagnosis have been completed by the pathologist.

3) All stains shall be filtered prior to each day of use.

4) All tissue processing solutions shall be changed or rotated on a regularly scheduled basis.

5) The quality of stains shall be evaluated daily by the director and suboptimal stains corrected immediately.

6) All gross tissue specimens received must be properly labeled and securely packaged so as to maintain absolute certainty of identification throughout processing, recording and storage.

7) Slides must be identified with permanent labels and stored so they are readily accessible. Paraffin blocks must be adequately identified, indexed, stored in a cool place and protected against damage by heat for at least 2 years. Wet tissue specimens shall be retained until a diagnosis has been made. The slide and a copy of the report must be filed for at least 10 years.

8) The laboratory shall request that the tissue request shall contain the name, birthdate, name of the surgeon, clinical information and the date of surgery.

j) Cytogenetics

1) Special Equipment

A) Incubators must be on special emergency lines.

B) Laminar Flow Hoods must be used (Class II).

C) Karyotyping facilities must be available with the production of hard copies.

2) Culture Initiation of Specimens

A) At least two (2) containers for each patient

B) Maximum of 1% patient failure (i.e. failure to provide a report as defined in Section 450.1050(j)(3)), for blood, amniotic fluid and chorionic villus samples in a period not to exceed 30 calendar days. If in excess of 1%, the laboratory director must contact the Department and stop performing the tests until corrective action is demonstrated.

C) For other tissues higher patient failure rates are acceptable.

i) Skin and products of conceptions: maximum of 20% failure in a period not to exceed 30 calendar days. If in excess of 20%, the Laboratory Director must contact the Department and stop performing the tests until corrective action is demonstrated.

ii) Bone Marrow: maximum of 5-10% failure in a period not to exceed 30 calendar days. If in excess of 5-10%, the Laboratory Director must contact the Department and stop performing the tests until corrective action is demonstrated.

3) Analysis and Interpretation

A) Counting Chromosomes

i) At least 11-20 metaphases from the two containers must be counted for routine blood, amniotic fluid, skin,

products of conception, and chorionic villus specimens.

ii) For the Fragile-X chromosome, a minimum of 100 metaphases is required before reporting a negative result. Control values for Fragile-X shall be maintained.

iii) If a clinically significant hypermodal metaphase or a structurally abnormal chromosome is detected, 20 additional cells (or 10 additional centers) in each of the two cultures must be analyzed.

iv) If 2 clinically significant hypomodal metaphases are detected, repeat steps in Subsection (3)(A)(iii).

B) Karyotypes

i) A 400 band resolution is minimum.

ii) At least two (2) banded karyotypes (hard copies) must be prepared for routine bloods, amniotic fluids, chorionic villus specimens, skin, and products of conception.

iii) For bone marrows, at least 25 metaphases must be photographed and analyzed. A minimum of 20 cells shall be analyzed for the presence of the Philadelphia chromosome and other markers for chronic myelogenous leukemia.

C) Reporting and Interpretation

i) All reports must adhere to the current International System of Cytogenetic Nomenclature.

ii) All abnormal findings should be accompanied by a recommendation to consult a Geneticist.

D) Documentation

In addition to other documentation required for any laboratory, documentation of power failure, failure rate, contamination, labeling discrepancy, poor or no growth, poor slide quality, interpretive dilemmas, and diagnostic errors shall be maintained.

4) Archives

Retention of adequate slides, films, hard copies and reports in order to re-analyze any cases challenged, shall be in accordance with the State statute of limitations.

k) Toxicology - Controlled Substances (Drugs of Abuse)

1) Laboratories which perform tests for controlled substances shall meet all pertinent requirements of the Act and regulations. In addition, the following items shall apply to toxicology laboratories.

A) The laboratory shall demonstrate proficiency as required under Section 450.720, except, the laboratory must discontinue providing confirmatory testing if for two consecutive testing periods the laboratory either fails to report results for confirmatory testing or for two consecutive testing periods the laboratory fails to confirm the presence of any substance in any proficiency testing specimen or on one occasion falsely confirms and reports the presence of a substance(s) not in the test speciman. Reinstatement to offer confirmatory testing shall require errorless performance in two subsequent proficiency testing surveys.

B) The director shall provide in house confirmatory testing of specimens whenever initial screening shows the presence of controlled substances. The confirmatory testing shall use different principles of chemistry and be at least as sensitive as the testing used for screening purposes.

C) The director shall develop a written program to maintain control and accountability from receipt of specimens until results are reported. In addition to other requirements of Section 450.140, requirements for segregation of these samples from other specimens received in the laboratory and the process for checking specimens for adulteration upon receipt in the laboratory, shall be stated.

D) Reports from the laboratory shall include limits of detection (LOD) for methods utilized and identify the method used to confirm positive screening results. Only specimens confirmed positive shall be reported positive for a specific drug.

E) Each analytical run of specimens shall have at least three reference specimens including: a specimen containing no drug; a specimen with a known amount of standard at or near the threshold (cutoff), and one additional reference

specimen. Documentation that currently used methodology does not allow carryover to contaminate the testing of a subject's specimen, shall be maintained. A minimum of 10 percent of all test samples analyzed per batch shall be a mixture of reference specimens indicated above.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 450.1155 Cytology

Cytology services at all clinical laboratories shall comply with the following requirements:

a) Personnel

1) Director of the clinical laboratory shall meet the requirements set forth in Section 450.210 of this Part.

2) Supervisor of clinical laboratory personnel shall meet the requirements set forth in Section 450.410 of this Part.

3) Cytotechnologist shall meet the requirements set forth in Section 450.430 of this Part.

b) Specimens

The laboratory shall assure that the request accompanying cytology specimens contains: the patient's age; pertinent clinical information; and for pap smears, the last menstrual period and indication if the patient is at high risk for developing cervical cancer or its precursors.

c) Preparation

1) The quality of stains shall be evaluated daily by the director and suboptimal stains corrected immediately.

2) All solutions shall be filtered and/or replaced at least once each day of use.

3) Gynecologic and non-gynecologic specimens shall be stained separately.

4) All staining and subsequent preparation of cytopathologic specimens shall be done at the laboratory where the slides are examined.

5) All automated equipment used in the preparation of specimens

shall be used in accordance with the manufacturer's recommendations.

6) Each cytologic slide shall be clearly labelled with the name of the patient prior to receipt in the laboratory. In the laboratory, it shall be labeled with a permanent label to withstand long term storage.

d) Examination

1) An individual who examines cytologic slides for neoplasms on a full-time or part-time basis, shall not screen more than 80 slides or the number of slides set by the United States Government in a twenty four hour period.

2) All gynecologic smears interpreted to be suspicious or positive and all non-gynecologic specimens shall be reported by the director. The report shall be signed by a pathologist.

3) All gynecologic smears which are interpreted to be negative and are from patients who are identified as high risk for developing cervical cancer based upon the information provided by the physician who submitted the specimen, shall be rescreened by a second cytotechnologist or a pathologist before reporting patient results.

4) For each abnormal cytology result, the laboratory director shall make available for review all prior cytology specimens, if on file in the laboratory.

e) Reports

1) Diagnostic nomenclature shall be clearly defined in the procedure manual and made available to the physician who requested the cytology examination.

2) The laboratory report shall: distinguish between a non-diagnostic smear and a negative result; contain narrative descriptions for any abnormal or malignant/pre-malignant results; include the presence of endometrial cells if endometrial cells are present out of cycle; indicate evidence of any infection; and contain provisions for any recommendations.

3) Each screener shall maintain a work log which documents and identifies the number of gynecologic and non-gynecologic slides screened. When a screener works at one or multiple laboratories, that individual shall leave a signed copy of the work log at each laboratory each week that screener works at the

laboratory.

f) Storage

Slides showing malignancy or pre-malignancy conditions and, all abnormal slides and reports shall be stored for ten years from the date of examination. All other slides and reports shall be retained for five years before discarding.

g) Quality Control

1) Rescreening

A) For each cytotechnologist supervisor, the director shall, on a regular basis, rescreen at least ten percent of the gynecologic smears interpreted by each supervisor to be negative. The director shall assure that for each cytotechnologist, at least ten percent of the gynecologic smears interpreted to be negative are rescreened by the director or cytotechnologist supervisor on a regular basis. Records of rescreened slides shall be maintained in a manner which allows periodic performance review of each cytotechnologist supervisor and cytotechnologist.

B) The director shall establish a program to compare cytology reports with tissue biopsies and determine the causes of any discrepancies.

2) Education

A) The director shall evaluate each cyatotechnologist's slide examination performance to include smears interpreted to be suspicious or positive and rescreened negative cases.

B) At leat annually, the laboratory director shall evaluate each cytotechnologist's individual case reviews against the laboratory's overall statistical rates, document any discrepancies, include reasons for deviations, and document any corrective action taken.

3) Statistical Evaluations

Annually, the laboratory shall establish a statistical evaluation of the number of cytology cases examined, number of specimens processed by specimen type, number of patients reported by diagnosis, false-negative (biopsy proven) and false-positive rates (as determined by the rescreening program), number of unsatisfactory specimens submitted by each physician

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

or laboratory and the number of complaints received from individuals ordering or receiving test reports.

(Source: Added at 13 Ill. Reg. _____, effective _____)

SUBPART L: HIV CONTAMINATED BLOOD HUMAN TISSUE

Section 450.1200 Handling and Disposal of HIV Contaminated Blood and Human Tissue

a) ANY BLOOD or blood components, organs, semen or other human tissue SHOWING EXPOSURE TO HIV as evidencesd by two of three reactive ELISA test results (according to the package insert - product circular) OR ANY OTHER IDENTIFIED CAUSATIVE AGENT OF AIDS or originating from a patient diagnosed with AIDS or AIDS-Related Complex (ARC) as defined in 77 Ill. Adm. Code 693.20, SHALL BE DISPOSED OF in accordance with the provisions of this Section, UNLESS A RESEARCH FACILITY LICENSED BY THE STATE REQUESTS, IN WRITING, THE USE OF SUCH BLOOD FOR AIDS RESEARCH. (Section 3.1 of the Blood Labeling Act.) Any such blood or human tissue shall be disposed of in accordance with Section 450.1200 (b) when no longer being used for research purposes.

1) A research facility, for the purposes of this Section, shall mean any clinical laboratory licensed under the ~~Clinical Laboratory~~ Act, ~~(Ill. Rev. Stat. 1987, ch. 111 1/2, par. 621 et seq.)~~, any blood bank licensed under the ~~Illinois~~ Blood Bank Act ~~(Ill. Rev. State. 1987, ch. 111 1/2, par. 601 101 et seq.)~~ or any hospital licensed under the Hospital Licensing Act, ~~(Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.)~~.

2) ANY PERSON DELIVERING SUCH BLOOD or blood components, organs, semen or other human tissue TO RESEARCH FACILITIES PURSUANT TO SUCH A REQUEST SHALL FILE WITH THE DEPARTMENT A REPORT WHICH SHALL INCLUDE AT LEAST THE FOLLOWING INFORMATION:

A) A COPY OF THE REQUEST FOR BLOOD or human tissue:

B) THE QUALITY OF BLOOD or human tissue DELIVERED:

C) THE NAME AND LOCATION OF THE RESEARCH FACILITY TO WHICH THE BLOOD or human tissue WAS DELIVERED; AND

D) THE DATE AND TIME OF DELIVERY. (Section 620-3.1 of the Act.)

b) Any such blood and blood components or human tissue, or any materials or paraphernalia exposed to or contaminated by such blood and blood

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

components or human tissue shall be disposed of in accordance with the provision of Section 450.330.

(Source: Added at 13 Ill. Reg. _____, effective _____)

SUBPART M: HEALTH SCREENING

Section 450.1300 Health Screening and Approved Health Screening Tests

a) "HEALTH SCREENING" MEANS THE PERFORMANCE OF ANY OF THE FOLLOWING TESTS FOR THE PURPOSE OF ASSESSING A PHASE OF THE GENERAL STATE OF HEALTH OF HUMAN SUBJECTS (Section 2-102.1 of the Act):

1) Blood total cholesterol testing by finger stick method, and

2) Blood glucose testing by finger stick method.

b) Health screening activities may only be conducted by the following entities:

1) LABORATORIES WHICH ONLY PERFORM HEALTH SCREENINGS ON A NOT-FOR-PROFIT OR FREE-OF-CHARGE BASIS. NOT-FOR-PROFIT OR FREE-OF-CHARGE BASIS means screenings performed for a fee calculated to recover the actual cost of the test material and equipment and direct labor costs, excluding any cost associated with test interpretation or other administrative costs or with no direct cost to the recipient;

2) LICENSED OR PERMITTED LABORATORIES: and

3) Licensed Hospital laboratories which are exempt from regulation under the Act and not precluded from such activities under the Hospital Licensing Act ~~(Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.)~~. (Section 2-102.1(a)(3) and (b) of the Act)

c) ANY ENTITIES WHICH CONDUCT MORE THAN ONE HEALTH SCREENING EVENT PER calendar YEAR SHALL FILE ESTABLISHED PROTOCOLS WITH THE DEPARTMENT IN ACCORDANCE WITH THE provisions of this Subpart. A health screening event, as used in this Section, shall mean any day or continuous series of days not exceeding five on which health screening activities are conducted in the same location other than the principal location of the laboratory such as a health fair. Tests listed as health screening tests may be conducted at the principal location of the laboratory without the protocol required by this Subpart. (Section 2-102.1(a)(2) of the Act). Class III permit laboratories must submit a protocol regardless of where the health screening is conducted.

d) AGENCY NOTE: Health screening tests should not be used as diagnostic tests.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 450.1310 Protocol for Conducting Health Screening

a) Any entity which performs health screening shall establish a protocol for health screening activities which is APPROVED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL ITS BRANCHES. (Section 2-102.1(a)(1) of the Act)

b) The protocol for conducting the health screening shall:

1) indicate the test(s) to be conducted;

2) indicate the way in which results shall be reported to the test subject including any available oral counseling and health professional referral program;

3) indicate how confidentiality will be maintained with provisions which allow the testing personnel, test subject and test subject's representative access to the test results;

4) include a written quality control program to assure accurate and precise test values as set by the physician signing the protocol and a description of the steps to be taken if the control values fall outside acceptable limits as set by the physician in the written quality control program;

5) include the step by step instructions for the following:

i) specimen collection, handling, transport, storage and disposal;

ii) patient preparation;

iii) type and volume of specimen needed and the established rejection criteria;

iv) proper specimen identification;

v) proper reagent use, such as labeling, proper lot number usage, expiration dates, and storage requirements, and

vi) instrument operation and calibration in accordance with the manufacturer's instructions.

6) include a detailed procedure for all quantitative methodologies, to be performed at least once each twelve hours, to determine method linearity over the reportable range of values for each analyte and instrument;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

7) include directions for the use of one reference material and one calibrator or two reference materials with different concentrations once each 24 hour period in which the analyzer is used;

8) include a description of the training required of all staff conducting specific health screening tests;

9) include a copy of educational materials for each individual screening test given to each test subject;

10) be available to all health screening personnel at the test site;

11) be sent to the Department at least 30 days prior to the initial testing date if more than one health screening event is conducted by that entity in a calendar year. Such protocols will be effective for one year. An existing protocol may be renewed by submitting a letter from the physician who signed the protocol specifying that no changes have been made in the protocol and that the protocol will be used for health screenings over the next year. This letter must be submitted within 30 days prior to the expiration of the existing protocol;

12) be signed, dated, and approved by a physician licensed to practice medicine in all its branches no earlier than three months prior to submission date;

13) include, for not-for-profit or free-of-charge operations, a statement from the physician who signs the protocol that the education and experience of the staff members are adequate to assure proper specimen collection, specimen handling, instrument operation, quality assurance, record-keeping, reporting of results, and proper sanitary conditions to protect the test subjects and the environment;

14) include a copy of the document to be given to each test subject which discloses the purpose and limitations of each individual screening test to be conducted;

15) state whether the testing to be conducted will be done on a NOT-FOR-PROFIT OR FREE-OF-CHARGE BASIS or for-profit basis. If the testing is conducted on a NOT-FOR-PROFIT BASIS, then the calculations used to determine the actual cost of the test material and equipment must be included.

16) include copies of any forms used in the course of conducting health screening activities;

17) indicate how documentation and quality control items are traceable to each individual analyte and instruments used in the health screening process and how records shall be maintained;

18) indicate how records of test subject results and documentation of quality control items shall be maintained for two years, and

19) document the basis for any fee charged to the recipient indicating whether testing is being done on a for-profit or not-for-profit basis.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 450.1320 Application for a Class III Permit to Conduct Health Screening

THE OWNER OF A CLINICAL LABORATORY WHICH IS OPERATED AND MAINTAINED EXCLUSIVELY FOR THE PURPOSE OF CONDUCTING HEALTH SCREENING TESTS BY A PERSON, CORPORATION, ORGANIZATION, ASSOCIATION OR GROUP WHICH PROVIDES HEALTH SCREENING SERVICES IN ACCORDANCE WITH SECTION 2-102.1 of the Act EITHER DIRECTLY OF INDIRECTLY ON A FOR-PROFIT BASIS MUST OBTAIN A PERMIT FROM THE DEPARTMENT. APPLICATION SHALL BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF $200 FOR EACH SUCH PERMIT. THE APPLICATION SHALL BE UNDER OATH (i.e. signed by the owner or authorized officer and notarized), THE PERMIT SHALL EXPIRE each year on ~~JULY 1, 1989~~, AND THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

a) THE NAME AND LOCATION OF THE OWNER'S PRINCIPAL PLACE OF BUSINESS;

b) THE NAME OF THE OWNER OF SUCH FACILITY AND OF THE DIRECTOR THEREOF;

c) When the owner is a corporation the names and addresses of all persons owning five percent or more of shares of the corporation;

d) a completed personnel form for the director(s), the anticipated schedule of hours for the director(s) to be at the laboratory during hours of testing, and other laboratories directed by the director(s);

e) A DESCRIPTION OF THE PROGRAM AND SERVICES PROVIDED BY SUCH CLINICAL LABORATORY;

f) the name of the laboratory assistant(s) or technician(s) employed and a completed personnel form for each laboratory assistant or technician;

g) the name of the person(s) who is in charge of the total laboratory operation at the test site and a personnel form(s) for that person;

h) a statement signed by the director indicating that the person in charge of the total laboratory operation at the test site has the education and training necessary to assure proper specimen collection, specimen handling, instrument operation, recordkeeping, reporting of results to assure confidentiality of test subjects and results, and proper sanitary conditions to protect the test subjects and environment;

i) an explanation of the location where all equipment and supplies are kept when not at the test site and the location where all records are kept relating to the laboratory operations at the test sites; and

j) a copy of the physician approved protocol.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 450.1330 Reporting and Notification

a) All health screening entities shall file a protocol with the Department in accordance with Section 450.1310 of this Part.

b) All health screening entities shall notify the Department of all health screening sites including street address, city, zip code and any other identifying data that are available at least seven days prior to any health screening event.

c) All health screening entities shall notify the Department of all personnel anticipated to conduct any health screening event including name, professions, training background, street address, city, zip code at least seven days prior to any health screening event.

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF LABORATORIES
2121 WEST TAYLOR STREET
CHICAGO, IL 60612

APPLICATION FOR REGISTRATION
CLASS I PERMIT, CLASS II PERMIT
OR LICENSE OF CLINICAL LABORATORIES

1. APPLICATION DATE: _____
MONTH DAY YEAR

2. FACILITY IDENTIFICATION:

A. _____
Name of Laboratory

B. _____
Address (Number and Street)

C. _____
Address (City, State, Zip Code)

D. Telephone Number: ____/_____ E. County: _____
Area

F. If this is a Class I Permit application and is operated at multiple locations; list all locations not already indicated under 2B above.

NUMBER AND STREET	CITY	ZIP CODE

3. TYPE OF APPLICATION: (Mark one box)

Copies of references to the Illinois Clinical Laboratory Act Ill Rev. Stat. ch.111 1/2, par. 621-628 and part 450 of the Ill. Adm. Code (450) Ill. Clinical Laboratory Code Part 450 accompany this application.

Registration Class - The following references are suggested to help determine eligibility for this category.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

Sections 1-103(c) and 2-108 of the Act
Sections 450.10, 450.30(a)(1) and 450.35(a) of the Code

Class I Permit - The following references are suggested to help determine eligibility for this category.
Sections 2-108, 2-118, 2-121 and 2-122 of the Act
Sections 450.10, 450.30(a)(2) and 450.35(b) of the Code
The lists of tests which accompanies this application which have been determined to be "simple"

Class II Permit - The following references are suggested to help determine eligibility for this category.
Sections 2-109, 2-118, 2-119, 2-121 and 2-122 of the Act
Sections 450.10, 450.30(a)(3) and 450.35(c) of the Code

Licensed - The following references are suggested to help determine eligibility for this category.
Section 2-111 of the Act
Sections 450.10, 450.30(a)(5) and 450.35(e) of the Code

4. HOURS OF OPERATION:

Hours when tests are actually performed: M ___ to ___ ; T ___ to ___ ; W ___ to ___ ; Th ___ to ___ ; F ___ to ___ ; Sa ___ to ___ ; Su ___ to ___ .

5. OWNERSHIP:

A. Check the appropriate box below:

___ INDIVIDUAL ___ PARTNERSHIP* ___ CORPORATION** ___ TRUST

___ COUNTY ___ TOWNSHIP ___ CITY ___ OTHER _____
Specify

B. List owner(s), title and address below. Use additional sheets if necessary.

*Partnership - Provide names of all partners and percent of interest.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

**Corporation - Provide corporate name, names of officers and all stockholders owning 5 percent or more of stocks, with an indication of percent of stock owned. If no stockholder owns more than 5 percent, so indicate below.

NAMES OF OWNERS OR CORPORATE OFFICERS AND MAJOR STOCKHOLDERS	%	TITLE	ADDRESS

EXACT CORPORATE NAME	CORPORATE ADDRESS

C. For all applications for Registration Class, Class I Permit or Class II Permit laboratories list all physicians, podiatrists or dentists who receive laboratory results from this laboratory. (Local health authorities and designated agencies are not required to complete part 5 C.)

NAME	NAME

6. PERSONNEL: Director(s) (Not required if applying for Registration Class)

A. Name each laboratory director and indicate his/her weekly regularly scheduled hours in the laboratory. A personnel form is required for each director. Use additional sheets if necessary.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

LAST NAME	FIRST NAME	RESIDENCE ADDRESS	HOURS IN LAB 8AM-11AM M	T	W	Th	F	Sa	Su

B. For each laboratory director, list all laboratories which he/she is associated with as director, co-director or associate director. Use additional sheets if necessary.

LAST NAME OF DIRECTOR	NAME OF FACILITY	ADDRESS OF FACILITY	POSITION

7. PERSONNEL: Supervisor(s) (Not required if applying for Registration Class or Class I Permit)

List the name of each laboratory supervisor and indicate his/her scheduled hours in this laboratory. Use additional sheets if necessary. A personnel form must be submitted for each person providing supervision.

LAST NAME	FIRST NAME	INITIAL	HOURS IN LAB e.g. 8AM 11AM M	T	W	Th	F	Sa	Su

8. PERSONNEL: Other than directors or supervisors (not required if applying for Registration Class or Class I Permit)

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

List the names of all technical personnel employed by this laboratory other than those listed under 6 and 7 above. Use additional sheets if necessary. A personnel form must be submitted for each individual. Use the codes below to indicate how each employee is functioning.

T = technologist TE = technician C = consultant LA = laboratory assistant

LAST NAME	FIRST NAME	INITIAL	FUNCTIONING as: T	TE	C	LA

9. PROGRAM AND SERVICES: Complete the attachment entitled "Program and Services". Attachment (A) is used by a laboratory requiring a Registration Class or Class I Permit. Attachment (B) is used by a laboratory requiring a Class II Permit or a License.

10. APPLICATION FEES:

A. Initial application fees (Section 3-102 of the Act) are as follows:

Licensed Laboratory	$300
Class II Permit	$100
Class I Permit	$ 50

B. Renewal application fees (Sections 3-104 and 3-106 of the Act) are as follows:

Licensed Laboratory	$150
Class II Permit	$ 50
Class I Permit	$ 25

RETURN THE COMPLETED APPLICATION AND FEE TO:

Clinical Laboratory and Blood Bank Section
Illinois Department of Public Health
2121 West Taylor Street
Chicago, IL 60612

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

11. AFFIDAVIT:

State of _____ County of _____

The undersigned owner or authorized officer and laboratory director(s) of the facility described herein, being duly sworn on oath, depos(s) and say(s) that the statements contained in the foregoing application are true and correct to the best of knowledge and belief; that no owner has been convinced of a felony or of any crime involving moral turpitude under the laws of any state of of the United States arising out of or in connection with the operation of a laboratory and that has(have) read and understand(s) this application and affidavit.

	Name	Title
(Signature:		
(Type Name:		
(Signature:		
(Type Name:		
(Signature:		
(Type Name:		
(Signature:		
(Type Name:		
(Signature:		
(Type Name:		

Subscribed and sworn to before me this _____ day of _____, 19__.

Seal

Notary Public In and For Said State

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

ATTACHMENT A

PROGRAM AND SERVICES

Laboratory Name _____ Date _____

List below the name of each test performed in this laboratory, the name of the major instrument used to perform each test, and the name of the instrument manufacturer. Enough descriptive information is required so the Department can determine if this laboratory belongs in the Registration Class, Class I permit or Class II Permit category. Please review descriptions of the tests in the Registration category (Section 450.35(a)) and the list of simple tests accompanying this application.

TEST NAME	NAME OF MAJOR INSTRUMENT USED	NAME OF INSTRUMENT MANUFACTURER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

ATTACHMENT B

PROGRAM AND SERVICES

Laboratory Name: _____ Date: _____

TO BE COMPLETED BY THE LABORATORY DIRECTOR

A. Place a check mark in front of each number for each procedure performed in this laboratory except for clinical chemistry tests performed on automated multichannel equipment (profiles). For these tests, place an asterisk (*) in front of each procedure which is part of the profile.

		0010 Histocompatibility Testing
____	86021	Antibody identification, leukocyte
____	86595	Tissue culture
____	86597	Tissue typing (HLA Typing)
		0110 Bacteriology
____	87041	Blood cultures
____	87042	Gastrointestinal tract cultures
____	87043	Urinary tract cultures
____	87044	Genital tract cultures
____	87045	Cerebrospinal fluid cultures
____	87046	Wound cultures
____	87047	Eye cultures
____	87048	Throat cultures
____	87049	Ear cultures
____	87050	Nose cultures
____	87051	Mouth cultures
____	87116	Acid Fast Bacilli cultures
____	87184	Sensitivity studies, antibiotic, disc method
____	87186	Sensitivity studies, antibiotic, minimum inhibitory conc. (MIC)
____	87205	Smears
____	87206	Smear, acid fast or fluorescent
		0210 Syphillis Serology
____	86592	VDRL, RPR, RST, ART
____	86650	Treponema antibodies (FTA-ABS)
		0220 Other Serology
____	82996	Gonadotropin, chronionic (pregnancy test) (Qual)
____	86000	Agglutinins, febrile

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

ATTACHMENT B

		(Brucella, typhoid O & H, paratyphoid A & B, etc.)
____	86006	Antibody, Qual (agglutinins, cold)
____	86060	Antistreptolysin O, titer
____	86067	Antitrypsin, alpha-1
____	86140	C-reactive protein (CRP)
____	86151	Carcinoembryonic antigen (CEA)
____	86158	Complement, total or components
____	86215	Deoxyribonuclease, antibody (ADNase)
____	86255	Fluorescent antibody techniques, Group A Strept, N. gonorrhoeae, antinuclear antibodies, etc.
____	86280	Rubella antibody
____	86287	Hepatitis B antigen
____	86288	Hepatitis B antibody
____	86300	Heterophile antibodies (includes monotype test)
____	86329	Immunoglobulins, quant, IgA, D, G, M, ceruloplasmin, transferrin, AFP, etc.
____	86421	Radioallerosorbent test (RAST)
____	86430	Rheumatoid factor latex (RA)
____	86594	Thyroid autoantibodies
____	86600	Toxoplasmosis Agglutination
____	86999	Unlisted immunology procedure (briefly describe)
		0310 Routine Chemistry
____	82040	Albumin
____	82085	Aldolase
____	82128	Amino acids
____	82140	Ammonia
____	82150	Amylase
____	82250	Bilirubin, total or direct
____	82270	Occult Blood Feces (Screen)
____	82310	Calcium
____	82374	Carbon dioxide, content
		0320 Urinalysis, clinical microscopy
____	81000	Urinalysis, routine complete, including microscopic
____	81005	Urinalysis, chemical only, qual.
____	81030	Urinalysis, addis count

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

ATTACHMENT B

____	82939	Gastric analysis (Diagnex blue)
____	84118	Porphyrins
____	84185	Bence-Jones Protein
____	84578	Urobilinogen
____	81099	Urinalysis, other
		0330 Chemistry, other
____	82003	Acetaminophen
____	82011	Acetylisalicylic acid (Salicylate)
____	82055	Alcohol, blood
____	82087	Aldosterone
____	82100	Alkaloids and other organic bases
____	82138	Amitriptyline
____	82145	Amphetamine
____	82175	Arsenic
____	82205	Barbituates
____	82290	Bromides
____	82300	Cadmium
____	82308	Calcitonin
____	82372	Carbamazepine
____	82355	Calculus (Stone)
____	82382	Catecholamines, total
____	82415	Chloramphenicol (chloromycetin)
____	82529	Cortisol
____	82628	Desipramine
____	82634	Desoxycortisol, 11-(Compond S)
____	82636	Diazepan
____	82639	Dicumarol
____	82640	Digitoxin (digitalis)
____	82643	Digoxin
____	82670	Estradiol
____	82671	Estrogens
____	82672	Estrogen Receptor Assay
		0400 Hematology
____	85000	Bleeding time
____	85007	Differential WBC count
____	85012	Eosinophil count
____	85014	Hematocrit (Single)
____	85018	Hemoglobin (Single)
____	85021	Hemogram, automated
____	85041	Red blood cell (RBC) (Single)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix A Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Continued)

ATTACHMENT B

____	85044	Reticulocyte count
____	85048	White blood cell (WBC) (Single)
____	85100	Bone marrow
____	85210	Clotting factors
____	85345	Coagulation time, Lee and White
____	85371	Fibrinogen
____	85544	Lupus erythematosus (LE) prep.
____	85547	Fragility, mechanical, RBC
____	85555	Fragility, osmotic, RBC
____	85580	Platelet count
____	85610	Prothrombin time
____	85650	Sedimentation rate (ESR)
____	85660	Sickling of RBC
____	85730	Thromboplastin time, partial (PTT)
____	85999	Unlisted hematology procedure (Briefly Describe)
		0510 Blood Grouping
____	86080	Blood typing, ABO
____	86082	Blood typing, ABO and Rho(D)
____	86090	M+N typing
____	86095	Bood typing, RBC antigens other than ABO or Rho(D)
____	86105	Rh genotyping
		0520 Antibody Identification
____	86008	Antibody, titer
____	86016	Antibodies, RBC, saline, high protein
		0530 Compatibility testing
____	86068	Blood crossmatch, complete (typing, antibody screen - recipient and donor)
____	86075	Blood crossmatch, minor only

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Appendix B Application for Class III Permit Laboratory

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF LABORATORIES
2121 WEST TAYLOR STREET
CHICAGO, ILLINOIS 60612

APPLICATION FOR PERMIT CLASS III PERMIT LABORATORY

1. APPLICATION DATE: ____/ ____/ ____

2. PRINCIPAL PLACE OF BUSINESS:

A: _____
NAME OF LABORATORY

B: _____
ADDRESS (NUMBER AND STREET)

C: _____
CITY, STATE, ZIP CODE

D: TELEPHONE NUMBER: ( ) _____

E: HOURS OF OPERATION: M ___ to ___ ; T ___ to ___ ; W ___ to ___ ; Th ___ to ___ ; F ___ to ___ ; Sa ___ to ___ ; Su ___ to ___

3. OWNERSHIP

A: CHECK THE APPROPRIATE BOX BELOW:

INDIVIDUAL PARTNERSHIP* CORPORATION** TRUST

COUNTY TOWNSHIP CITY OTHER _____ Specify

B: List owner(s), title and address below. Use additional sheets if necessary.

*PARTNERSHIP - Provide names of all partners and percent of interest owned.

**CORPORATION - Provide corporate name, name of officers and all stockholders owning 5 percent or more of stock, with an indication of percent of stock owned. If no stockholder owns more than 5 percent so indicate below.

Appendix B Application for Class III Permit Laboratory (Continued)

EXACT NAME(S) OF OWNER(S)	% INTEREST	ADDRESS

C: If the owner listed in 3 B is a corporation, indicate names of officers and all stockholders owning 5% or more of stock.

	Title	Address

4. LABORATORY DIRECTOR

A. A completed personnel form is required for each director. Indicate below the name and anticipated schedule of hours for each director in the laboratory during hours of testing.

LAST NAME	FIRST NAME	M	T	W	Th	F	Sa	Su

B. For each director, list all laboratories that individual directs. (Use additional sheets if necessary)

Appendix B Application for Class III Permit Laboratory (Continued)

LAST NAME OF DIRECTOR	NAME OF FACILITY	ADDRESS OF FACILITY

5. PROGRAM AND SERVICES
List the name of each test performed.

NAME OF TEST

6. PERSONNEL OTHER THAN DIRECTOR(S)

List the names of all technical personnel employed by this laboratory other than director(s). Use additional sheets if necessary. A personnel form must be submitted for each individual. Use the codes below to indicate how each employee is functioning.

S = Supervisor T = Technologist TE = Technician
LA = Laboratory Assistant P = Phlebotomist

LAST NAME	FIRST NAME	INITIAL	FUNCTIONING AS: S	T	TE	LA	P

Appendix B Application for Class III Permit Laboratory (Continued)

7. PERSON(S) AT THE TEST SITE IN CHARGE OF LABORATORY OPERATIONS

LAST NAME	FIRST NAME	INITIAL

8. INDICATE BELOW WHERE EQUIPMENT, SUPPLIES AND RECORDS RELATING TO LABORATORY OPERATIONS ARE KEPT WHEN NOT AT THE TEST SITE

NAME

ADDRESS (NUMBER AND STREET)

CITY, STATE, ZIP CODE

9. Please attach a statement signed by the Director indicating that the person in charge of the total laboratory operation has education and training necessary for proper laboratory operation at the test site. (See 450.1320(h))

10. Please attach a copy of the Physician Approved Protocol. (See Section 450.1310))

11. AFFIDAVIT

State of _____ County of _____

The undersigned owner or authorized officer and director(s) of the facility described herein, being duly sworn on oath, depose(s) and say(s) that the statements contained in the foregoing application are true and correct to the best of knowledge and belief and that has(have) read and understand(s) this application and affidavit.

NAME TITLE

Signature _____

Type Name _____ _____

Appendix B Application for Class III Permit Laboratory (Continued)

NAME TITLE

Signature _____

Type Name _____ _____

Signature _____

Type Name _____ _____

Signature _____

Type Name _____ _____

Subscribed and sworn to before me this day of , 19

_____
Notary Public In and For Said State

SEAL

Note:

This completed application along with the required permit fee of $200.00 are to be sent to:

Fiscal and Management Services
Illinois Department of Public Health
Attn: Validation Unit
535 W. Jefferson Street
Springfield, Illinois 62761

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Income Tax Regulations

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Numbers: 100.3700 — Proposed Action: Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 3-304(f)

5) A Complete Description of the Subjects and Issues Involved: Provides a special sales factor rule for gains from the sale of intangible assets in the ordinary course of a taxpayer's business.

6) Will this proposed rule replace an emergency rule currently in effect: No

7) Does this rulemaking contain an automatic repeal date? ___Yes __X No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
100.5706	Amendment	13 Ill. Reg. 768

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Jackson Donley
Staff Attorney
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 785-4033

12) Initial Regulatory Flexibility Analysis:

A Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 8, 1989

B) Types of small businesses affected: Sole proprietorships, corporations, S corporations and partnerships having gains from the sale of intangible assets.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

C) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping skills.

D) Types of professional skills necessary for compliance: No change.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX REGULATIONS

SUBPART A: TAX IMPOSED

Section
100.2000 Personal Property Tax Replacement Income Tax (hereinafter PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - In General (IITA Section 201) (Repealed)
100.2050 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryover Items (IITA Section 201) (Repealed)
100.2100 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryback Items (IITA Section 201) (Repealed)
100.2150 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Partnership Income (IITA Section 201) (Repealed)
100.2200 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IITA Section 201) (Repealed)
100.2250 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - In General (IITA Section 201) (Repealed)
100.2300 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryover Items (IITA Section 201) (Repealed)
100.2350 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryback Items (IITA Section 201) (Repealed)
100.2400 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Partnership Income (IITA Section 201) (Repealed)
100.2450 Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IITA Section 201) (Repealed)
100.2500 Scope of 86 Ill. Adm. Code 100.2000 through 100.2450 (Repealed)
100.2550 Net Income (IITA Section 202)
100.2560 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2561 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2562 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2563 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2564 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2565 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership
100.2600 Special Transitional Rules (IITA Section 202) (Repealed)
100.2650 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2675 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2700 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2750 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
100.2800 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2850 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year.
100.2900 Investment Tax Credits
100.2950 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside For Charity

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)
100.3050 Business and Nonbusiness Income (IITA Section 301)
100.3100 Compensation (IITA Section 302)
100.3150 State (IITA Section 302)
100.3200 Taxability in Other State (IITA Section 303)
100.3250 Resident (IITA Section 301)
100.3300 Commercial Domicile (IITA Section 303)
100.3350 Allocation and Apportionment of Base Income (IITA Section 304)
100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)
100.3450 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)
100.3500 Business Income of Persons Other than Residents (IITA Section 304) -In General
100.3510 Business Income of Persons Other Than Residents (IITA Section 304) -Apportionment
100.3520 Business Income of Persons Other Than Residents (IITA Section 304) -Allocation
100.3530 Business Income of Persons Other Than Residents (IITA Section 304)
100.3550 Property Factor (IITA Section 304)
100.3600 Payroll Factor (IITA Section 304)
100.3650 Sales Factor (IITA Section 304)
100.3700 Special Rules (IITA Section 304)

SUBPART C: RECORDS, RETURNS AND NOTICES

Section
100.5200 Time for Filing Returns: (IITA Section 505)
100.5250 Time for Filing Returns: Corporations (IITA Section 505) (Repealed)
100.5300 Time for Filing Returns: Cooperatives (IITA Section 505) (Repealed)
100.5350 Time for Filing Returns: Partnerships (IITA Section 505) (Repealed)
100.5400 Time for Filing Returns: Estates and Trusts (IITA Section 505) (Repealed)
100.5450 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5500 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5550 Short Year Returns of Newly Acquired Subsidiaries (IITA Section 505) (Repealed)
100.5600 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5700 Composite Returns: Eligibility
100.5702 Composite Returns: Responsibilities of Authorized Agent
100.5704 Composite Returns: Individual Liability

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section
100.5706 Composite Returns: Required Forms and computation of Income
100.5708 Composite Returns: Estimated Payments
100.5710 Composite Return: Tax, Penalties and Interest
100.5712 Composite Returns: Credit for Resident Individuals
100.5714 Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.6000 Election to File a Combined Return
100.6010 Procedure for Making the Election
100.6020 Designated Agent for the Members
100.6030 Combined Estimated Tax Payments
100.6040 Claims for Credit of Overpayments
100.6050 Liability for Combined Tax, Penalty and Interest
100.6060 Combined Amended Returns
100.6070 Computation of Combined Income and Tax
100.6080 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART D: INCOME TAX WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7100 Cross References
100.7150 Withholding Exemption (IITA Section 702)
100.7200 Withholding Exemption Certificate (IITA Section 702)
100.7250 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)
100.7300 Reports for Employee (IITA Section 703)
100.7350 Returns of Income Withheld from Wages (IITA Section 704)
100.7400 Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7450 Time for Filing Returns (IITA Section 704)
100.7500 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7510 Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7550 Requirement of Withholding-Personal Service Contracts (IITA Section 708)
100.7560 Contracts Indeterminate as to Amount (IITA Section 708)
100.7570 Series of Identical Contracts (IITA Section 708)
100.7580 Personal Service Contract (IITA Section 708)
100.7590 Presence Necessitated (IITA Section 708)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section
100.7600 Certification of Residence (IITA Section 708)
100.7610 Identities Specified in the Contract (IITA Section 708)
100.7620 Net Amount (IITA Section 708)
100.7630 Coordination with IITA Section 701 (IITA Section 708)
100.7640 Requirement of Withholding-Prizes and Awards (IITA Section 709)
100.7650 Promoter (IITA Section 709)
100.7700 Non-Cash Prizes (IITA Section 709)
100.7750 Certification of Residence (IITA Section 709)
100.7800 Relative Performance (IITA Section 709)

SUBPART E: DECLARATION AND PAYMENT OF ESTIMATED TAX

100.8300 Penalty for Underpayments of Estimated Tax-Exception for Payments Based on Prior Year's Liability-Rule for a Taxable Year Following the Taxable Year in which the Personal Property Tax Replacement Income Tax (PPTRIT) Became Effective-Corporate Taxpayers (IITA Section 802) (Repealed)
100.8400 Penalty for Underpayment of Estimated Tax-Exception for Payments Based on the Prior Year's Facts-Change in the Personal Property Tax Replacement Income Tax (PPTRIT) Rate for Corporations on January 1, 1981 (IITA Section 802) (Repealed)

SUBPART F: STATEMENT OF PROCEDURAL RULES

Section
100.9000 Introduction
100.9005 Letter Ruling Procedures
100.9010 General Income Tax Procedures (IITA Section 901)
100.9020 Taxpayer Representation and Practice Requirements
100.9030 Collection Authority (IITA Section 901)
100.9040 Notice and Demand (IITA Section 902)
100.9050 Assessment (IITA Section 903)
100.9060 Deficiencies and Overpayments (IITA Section 904)
100.9061 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9070 Limitations on Notices of Deficiency (IITA Section 905)
100.9080 Further Notices of Deficiency Restricted (IITA Section 906)
100.9090 Waiver of Restrictions on Assessments (IITA Section 907)
100.9100 Procedure on Protest (IITA Section 908) (Repealed)
100.9110 Credits and Refunds (IITA Section 909)
100.9120 Procedure on Denial of Claim for Refund (IITA Section 910) (Repealed)
100.9130 Limitations on Claims for Refund (IITA Section 911)
100.9140 Recovery of Erroneous Refund (IITA Section 912)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section
100.9150 Access to Books and Records (IITA Section 913)
100.9200 Conduct of Investigations and Hearings (IITA Section 914)

SUBPART G: JUDICIAL REVIEW

Section
100.9850 Administrative Review Law (IITA Section 1201)

SUBPART H: DEFINITIONS AND RULES OF INTERPRETATION

Section
100.9900 Unitary Business Group Defined (IITA Section 1501)

APPENDIX A: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS
TABLE A Example of Unitary Business Apportionment
TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 1-101 et seq.) and authorized by Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 14-1401).

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981, amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988, amended at _____ Ill. Reg. _____, effective _____.

Section 100.3700 Special Rules (IITA Section 304)

a) In general.

IITA Section 304(e) provides that if the allocation and apportionment provisions of IITA Section 304(a) through (d) do not fairly represent the extent of the person's business activity in this state, the person may petition for or the Director may require, in respect to all or any part of the person's business activity, if reasonable:

1) Separate accounting;

2) The exclusion of any one or more of the factors;

3) The inclusion of one or more additional factors which will fairly represent the person's business activity in this state; or

4) The employment of any other method to effectuate an equitable allocation and apportionment of the person's income. This subsection permits a departure from the required methods applicable under IITA Section 304(a) through (d), including combined apportionment (see Caterpillar Tractor Co. et al. v. Lenckos 84 Ill. 2d 102, 417 NE 2d 1343 (1981)), only where such methods do not accurately and fairly reflect business activity in Illinois. An alternative apportionment method under this subsection may not be invoked, either by the Director or by a taxpayer, merely because it reaches a different apportionment percentage than the regularly required formula. However, if the application of the statutory formula will lead to a grossly distorted result in a particular case, a fair and accurate alternative method is appropriate. (See Norfolk & Western Railway Co. v. State Tax Commission. 390 U.S. 317 88 S. Ct. 995 (1968). The party (the Director or the taxpayer) seeking to utilize an alternative apportionment method has the burden of showing by clear and cogent evidence that the statutory formula would result in the taxation of extraterritorial values. (See Butler Bros. v. McColgan, 315 U.S. 501, 625, cf. 701 (1942).) The burden will be met only if the statutory formula is demonstrated to operate unreasonably and arbitrarily in attributing to Illinois a percentage of income which is out of all proportion to the business transacted in this State. (See Hans Rees' Sons, Inc. v. North Carolina ex rel Maxwell, 283 U.S. 123, 51 S. Ct. 385 (1931).) Finally, the party seeking to use an alternative apportionment formula must prove that such method fairly and accurately apportions income to Illinois based upon business activity in this state.

b) Property factor.

The following special rules are established in respect to the property factor of the apportionment formula:

1) If the subrents taken into account in determining the net annual rental rate under 86 Ill. Adm. Code 100.3550(c) produce a negative or clearly inaccurate value for any item of property, another method which will properly reflect the value of rented property may be required by the Director or requested by the person. In no case however shall such value be less than an amount which bears the same ratio to the annual rental rate paid by the person for such property as the fair market value of that portion of the property used by the person bears to the total fair market value of the rented property.

Example: A corporation rents a 10-story building at an annual rental rate of $1,000,000. The corporation occupies two stories and sublets eight stories for $1,000,000 a year. The net annual rental rate of the taxpayer must not be less than two-tenths of the corporation's annual rental rate for the entire year, or $200,000.

2) If property owned by others is used by the person at no charge or rented by the person for a nominal rate, the net annual rental rate for such property shall be determined on the basis of a reasonable market rental rate for such property.

c) Sales factor.

The following special rules are established in respect to the sales factor of the apportionment formula:

1) In the case of sales where neither the origin nor the destination of the sale is within this state, and the person is taxable in neither the state of origin nor the state of destination, the sale will be attributed to this state (and included in the numerator of the sales factor) if the person's activities in this state in connection with the sales are not protected by the provisions of P.L. 86-272, 15 U.S.C. 381-385. Although P.L. 86-272, by its terms covers only sales of tangible personal property, its rules regarding a state's power to impose a net income tax, for purposes of this special rule, will be applied whether the sale is of tangible or intangible property.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Example: A corporation's salesman operates out of an office in Illinois. He regularly calls on customers both within and without Illinois. Orders are approved by him and transmitted to the corporation's headquarters in State A. If the property sold by the salesman is shipped from a state in which the corporation is not taxable to a purchaser in a state in which the corporation is not taxable, the sale is attributable to Illinois.

2) Where substantial amounts of gross receipts arise from an incidental or occasional sale of a fixed asset used in the regular course of the person's trade or business, such gross receipts shall be excluded from the sales factor. For example, gross receipts from the sale of a factory or plant will be excluded.

3) Insubstantial amounts of gross receipts arising from incidental or occasional transactions or activities may be excluded from the sales factor unless such exclusion would materially affect the amount of income apportioned to this state. For example, the person ordinarily may include or exclude from the sales factor gross receipts from such transactions as the sale of office furniture, business automobiles, etc.

4) Where the income producing activity in respect to business income from intangible personal property can be readily identified, such income is included in the denominator of the sales factor and, if the income producing activity occurs in this state, in the numerator of the sales factor as well. For example, usually the income producing activity can be readily identified in respect to interest income received on deferred payments on sales of tangible property (86 Ill. Adm. Code 100.3650(a)(1)(A)) and income from the sale, licensing or other use of intangible personal property (86 Ill. Adm. Code 100.3650(c)(3)(A)). Where business income from intangible property cannot readily be attributed to any income producing activity of the person, such income cannot be assigned to the numerator of the sales factor for any state and shall be excluded from the denominator of the sales factor. For example, where business income in the form of dividends received on stock, royalties received on patents or copyrights, or interest received on bonds, debentures or government securities results from the mere holding of intangible personal property by the person, such dividends and interest shall be excluded from the denominator of the sales factor.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

5) In the case of sales of business intangibles (including, by means of example, without limitation, patents, copyrights, bonds, stocks and other securities, gross receipts shall be disregarded and only the net gain (loss) therefrom shall be included in the sales factor.

Example: In 1990, Corporation A, a calendar year taxpayer, sells stock with an adjusted basis of $98,000,000.00 for $100,000,000,00, realizing a federal net capital gain of $2,000,000.00. Only the net capital gain of $2,000,000.00 is reflected in A's sales factor for the taxable year ending December 31, 1990.

d) Rule for inclusion of shares of partnership unitary business income and factors in combined unitary business income and factors of corporate partners.

When the activities of a corporate partner (or the activities of a unitary business group including the corporate partner) and the activities of a partnership, disregarding ownership requirements, constitute a unitary business relationship, then the partner's share of the partnership's income and factors shall be combined with the business income and factors of the partner or with the combined business income and factors of the unitary business group including the partner, as the case may be. The activities of a corporate partner and the activities of a partnership will constitute a unitary business relationship when such activities are integrated with, dependent upon, and contribute to each other. However, the rule stated herein will not apply to shares of income from partnerships whose business activity outside the United States is 80% or more of such partnership's total business activity, where the partnership has a different apportionment method than the corporate partner, or where the partnership is not in the same general line of business or a step in a vertically structured enterprise with the corporate partner. This rule is applicable to all taxable years for which the statute of limitations for filing claims for refund and for issuing notices of deficiency are open, except those tax years ending on or after the effective date (April 24, 1984) of Section 100.9900(e)(2) and ending prior to its repeal where the taxpayer relied upon that rule.

(Source: Amended at _____ Ill. Reg. _____, effective _____.)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number	Proposed Action
1030.85	Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Sections 6-103(4) and 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-103(4) and 6-109).

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides guidelines for the Secretary to deny the opportunity to take the road test if an applicant is suspected of having consumed alcohol prior to the time he/she wishes to take the road test.

6) Will this rule proposal replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any amendments pending on this Part? Yes.

Section Number	Proposed Action	Illinois Register Citation
1030.86	New Section	12 Ill. Reg. 17275 (October 28, 1988)
1030.70	Amendment	12 Ill. Reg. 20768 (December 16, 1988)

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date that this notice is published. All comments must be in writing and should be sent to:

Carolyn M. Taft
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-5356

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rulemaking has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed Rule begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.15 Cite for Re-Examination
1030.20 Classification of Drivers-References
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Employer Certification Program
1030.63 Religious Exemption for Social Security Number
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80 Driver's License Testing/Written Test
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Licenses
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.95 Diplomatic and Consular Licenses
1030.100 Anatomical Gift Donor
1030.110 Emergency Medical Information Card
1030.115 Change of Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986 amended at 11 Ill. Reg. 9331 , effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 1030.85 Driver's License Testing/Road Test

a) For the purposes of this Section, terms shall be defined as follows:

"dDangerous aAction" - "an act by the applicant which could endanger a person or property".

"Driver Services Facility Supervisor" - employee designated by the Secretary to oversee the operations of the driver services facility personnel.

"dDriving sSkills" - "ability of applicant to perform maneuvers which will be demonstrated during drive test".

"eExaminer" - "employee of the Secretary of State who administers the road test".

"fFirst dDivision vVehicles" - "those motor vehicles which are designed for the carrying of not more than ten persons as defined in the Section 1-127 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 1-217").

"fForeign sSpeaking aApplicant" -"any applicant unable to understand the oral directions given by the examiner using the English language".

"rReligious oOrganization vVehicle eEndorsement" - "authority to operate a religious organization bus as described in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 6-106.2").

"rRoad tTest" - "an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 6-109").

"sSchool bBus dDriver pPermit" - "permit issued to school bus drivers by the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 275".

"sSecond dDivision vVehicles" - "vehicles which are designed for carrying more than ten persons, those designated or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses as defined in the Section 1-127 of the Illinois Vehicle Code (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 1-217)".

"Secretary of State" - "the Secretary of State of Illinois".

"vViolation" - "any traffic-related act for which a motor vehicle driver may be arrested and ticketed".

b) Classification of licenses is established in Sections 1030.20-~~1030.40~~ and 1030.30 of this Part.

c) Persons applying for a class A, class B, or class C driver's license, a religious organization vehicle endorsement or a school bus driver permit, in a first division vehicle, who must complete a road test, shall be evaluated on the following driving skills: start, posture, use of mirror(s), steering, lane observance, right of way, intersection observance, left and right turns (signal, speed, lane, turn), attention (distraction level), following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn around, use of clutch or automatic transmission.

d) In addition to those maneuvers listed in subsection (b) of this Section, persons applying for a class D driver's license, shall also be evaluated on the following: use of gears, dock parking, trailer braking, railroad crossing.

e) In addition to those maneuvers listed in subsection (b) of this Section, persons applying for a school bus driver permit, who must complete a road test in a second division vehicle, shall also be evaluated on the following: use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, use of flasher lights.

f) Applicants for a class L or class M driver's license, who are required to complete a road test, shall be evaluated by using one of the following drive tests: MOST - Motorcycle Operator Skill Test; ALMOST - Alternative Motorcycle Operator Skill Test; MiniMOST, Space-Modified

ALMOST; PRESENT - Street course in combination with Illinois Department of Transportation test at facility location; SCHOOL - Offstreet Illinois Department of Transportation mMotorcycle eOperator sSkill test.

1) Test exercises for the MOST (Motorcycle Operator Skill Test), for both class L and class M, shall consist of the following: sharp turn (path, balance), accelerating in a turn (path, time), slowing in a turn (path, time), normal stop (skid, position), turning speed selection (time, path), quick stop-straight (distance, speed), obstacle turn (speed, course), quick stop-curb (path, distance).

2) Test exercises for the ALMOST (Alternate Motorcycle Operator Skill Test), ~~MINIMOST~~ MiniMOST and sSpace-mModified ALMOST for both class L and class M, shall consist of the following: stalling, shifting, (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path).

3) Test exercises for the PRESENT and SCHOOL for both class L and class M, shall consist of the following: knowledge of controls, Figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture, mounting/dismounting.

g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, he/she is assessed a point or points based upon the severity of the error. Applicant for a class A, B, C, D, religious organization vehicle endorsement, school bus driving permit are allowed thirty (30) points. A eClasses L and M, PRESENT and SCHOOL evaluations, shall be allowed twenty (20) points. A class L and M, MOST, ALMOST and ~~MINIMOST~~ MiniMOST evaluation, shall be allowed fifteen (15) points.

h) The following acts will result in immediate disqualification: accident; violation where an applicant receives a ticket; dangerous action; lack of cooperation or refusal to perform.

i) In addition to those acts listed in subsection (h) of this Section, the following acts will result in the applicant's immediate disqualification for a class L or M license: letting the cycle fall or falling off a cycle.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

j) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test, the vehicle develops mechanical problems after the road test has begun, weather conditions make the continuation of the road test hazardous, an accident occurs for which the applicant does not receive a ticket.

k) No persons or pets are allowed to accompany the applicant and examiner on the road test. Exceptions shall be made for foreign speaking applicants who require a translator. Exceptions shall also be made for the training or evaluating of facility personnel.

l) Any applicant who is suspected by a driver services facility employee of having consumed alcohol and/or drugs must seek the approval of a driver services facility supervisor prior to being administered the road test. If a driver services facility supervisor has a reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include but not be limited to one or more of the following conditions:

1) the applicant admits he/she has consumed alcohol and/or drugs;

2) the applicant has a strong odor of alcohol on his/her breath;

3) the applicant's eyes are red and the pupils are dilated;

4) the applicant's speech is slurred; or

5) the applicant is unsteady when walking.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Service-Connected Days Benefit Administration

2) Code Citation: 80 Ill. Adm. Code 2150

3) Section numbers: Adopted Action:

2150.1	New Section
2150.2	New Section
2150.5	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, par. 63b4

5) Effective Date of Rules: February 8, 1989

6) Does this rulemaking contain an automatic repeal date? X No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 8, 1989

9) Notice(s) of Proposal Published in Illinois Register:

June 17, 1988 12 Ill. Reg. 10285

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version:

Section 2150.1 has been changed to read: "'Physician Statement' for the purposes of this part...(or who practices medicine in another state and meets licensing requirements of that state)."

Section 2150.5 (a) was revised to add the following sentence: "DCMS personnel shall have no authority to approve or deny service-connected days apart from the determination of compensability for Workers' Compensation purposes."

Section 2150.5 (e) has been amended to read: "...completion of the necessary Workers' Compensation forms (Illinois Industrial Commission form 45 and DCMS forms 900-1 through 900-7, as appropriate) will... ."

Section 2150.5 (g) is amended to read "Agencies shall be required to submit semi-annual reports to DCMS Risk Management Division, or other appropriate state claims administration unit, on July 1 and December 31 of each year identifying the number of days granted and the associated costs."

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

Section 2150.10 has been deleted.

Other minor editing changes (e.g. punctuation) have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

These rules are being promulgated to ensure consistency and uniform practice in the issuance of this benefit, as well as to implement controls to eliminate possible misuse. Agencies will be held accountable for following the guidelines; including the reporting of the actual number of days used and associated costs of this benefit in order to provide a sound fiscal base for analyzing expenditures relating to Workers' Compensation claims of state employees.

16) Information and questions regarding this adopted rule shall be directed to:

Michael Bates
604 Stratton Office Building
Springfield, IL 62706
(217)785-4197

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE INSURANCE
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2150
SERVICE-CONNECTED DAYS BENEFIT ADMINISTRATION

Section
2150.1 Definitions
2150.2 Entitlement
2150.5 Policy

AUTHORITY: Implementing and authorized by Section 64.1 of the Civil Administrative Code of Illinois as amended (Ill. Rev. Stat. 1987, ch. 127, par. 63b4).

SOURCE: Adopted at 13 Ill. Reg. 2402, effective February 8, 1989

Section 2150.1 Definitions

"Accident" for the purpose of this Part means an illness or injury arising out of and within the scope of employment which precludes an employee from performance of job duties and requires time away from work.

"Agency" for the purpose of this Part refers to any State agency offering the Service-Connected days benefit as a part of their Workers' Compensation program.

"Compensable accident" for the purpose of this Part means any accident that falls under the coverages afforded by the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138 et seq.) or Workers' Occupational Diseases Act (Ill. Rev. Stat. 1987, ch. 48, pars. 172 et seq.), and is deemed to be a valid claim by the Department of Central Management Services (DCMS), Risk Management Division, other appropriate State claims administration units, or is ruled a compensable claim by the Illinois Industrial Commission through arbitration proceedings.

"Employee" for the purpose of this Part means any regular officer or employee who receives salary or wages for personal service rendered to the State of Illinois and is eligible for coverage under Section 1(b) of the Workers' Compensation Act or Section 1(b) of the Workers' Occupational Diseases Act.

"Physician Statement" for the purpose of this Part means a statement from a practitioner licensed to practice medicine in the State of Illinois (or who is licensed in another state and meets the licensure requirements of that state).

"State-Connected Day" for the purpose of this Part means an authorized absence from work at full salary paid from Personal Services appropriations when the absence is due to a compensable accident injury or illness as determined by the DCMS Risk Management Division (or other appropriate State claims administration units) and within the guidelines outlined in the Workers' Compensation Act or Workers' Occupational Diseases Act. The employee shall not be charged any accumulated benefit time such as sick leave, vacation time, compensatory time, or personal business days for this authorized absence.

Section 2150.2 Entitlement

When an employee of an agency offering this benefit suffers an accident, and such accident is determined by the DCMS Risk Management Division (or other appropriate State claims administration units) to be compensable, the employee shall be entitled to up a maximum of three Service-Connected days (except as otherwise provided for in bargaining unit agreements), subject to all provisions as outlined in Section 2150.5 below.

Section 2150.5 Policy

As defined in the above Sections, any employee of an agency offering Service Connected days suffering a compensable accident shall be allowed up to a maximum of three Service-Connected days (except as otherwise provided for in bargaining unit agreements) as long as the following criteria are met:

a) Approval or denial of Service-Connected days shall be solely decided by the agency Director or management personnel designated by such Director and subject to DCMS (or other appropriate State claims administration units) approval of the claim for Workers' Compensation benefits. DCMS personnel shall have no authority to approve or deny Service-Connected days apart from the determination of compensability for Workers' Compensation purposes.

b) Medical documentation in the form of a Physician Statement verifying the need for time off from work shall be required prior to the approval of Service-Connected days. Exceptions may be granted in the event the injury or illness is serious enough to preclude the employee from obtaining the required medical verification. However, every effort must be made by the employee to provide the necessary documentation as soon as is practical after the incident. Until such time as the claim for Workers' Compensation benefits has been

approved by the DCMS Risk Management Division (or other appropriate State claims administration units), the employee shall be allowed to use accrued leave time (sick, vacation, compensatory, or personal days). Once approved, timekeeping personnel shall restore the benefit time used to the employee's account. If the employee chooses not to use accrued benefit time, he/she shall be docked for the time lost until a determination of eligibility for benefits is made.

c) For timekeeping purpose, the first Service-Connected day shall be the first regularly scheduled work day after the date of the accident. If, due to the nature of the injury or illness, time off is needed on the day of the accident, the employee must receive approval from his immediate supervisor. If approved, no accrued leave time shall be charged to the employee and he/she shall remain on the regular payroll for that portion of the day absent.

d) If an employee needs to use the Service-Connected time in noncontinuous or hourly increments, such as for doctor appointments or physical therapy, these absences shall be granted only if supported, in advance, by a Physician Statement verifying the need for the absence.

e) A Workers' Compensation file must be created by the agency in order to authorize Service-Connected days. Since medical verification is required, completion of the necessary Workers' Compensation forms (Illinois Industrial Commission form 45 and DCMS forms 900-1 through 900-7, as appropriate) will facilitate payment of any medical charges incurred as a result of a compensable injury or illness.

f) If an employee reinjures the same body part any time after the original injury, and the accident is determined to be compensable, the reinjury is considered a new accident and Service-Connected days shall be issued in accordance with the guidelines and policies outlined above.

g) All agency timekeeping personnel shall be required to keep records of the total days and dollar amounts expended due to the use of Service-Connected days. Agencies shall be required to submit semi-annual reports to the DCMS Risk Management Division, or other appropriate state claims administration unit, on July 1 and December 31 of each year identifying the number of days granted and the associated costs.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Confidentiality of Personal Information of Persons Served by the Department

2) Code Citation: 89 Ill. Adm. Code 431

3) Section Numbers: adopted Action

431.5	Amendment
431.6	Amendment
431.7	Amendment
431.11	New Section
431.12	Renumbered Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, par. 5035.1; Ill. Rev. Stat. 1987, ch. 91½, par. 801 et seq.; Ill. Rev. Stat. 1987, ch. 23, pars. 2061 & 2061.1 and Ill. Rev. Stat. 1987, ch. 91½, par. 1351 et seq.

5) Effective Date of Amendments: March 1, 1989

6) Does this rulemaking contain an automatic repeal date: ___Yes _X_No
If so, please specify date:

7) Do these amendments contain incorporations by reference? No.
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?

8) Date Filed in Agency's Principal Office: March 1, 1989

9) Notice(s) of Proposal Published in Illinois Register:

July 22, 1988 (issue date), 12 Ill. Reg. 11922

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? Yes.
If answer is "yes," please complete the following:

A) Statement of Objection: December 30, 1988 (issue date), 12 Ill. Reg. 22457

B) Agency Response: February 24, 1989 (issue date), 13 Ill. Reg. 2532

C) Date Agency Response Submitted for Approval to JCAR: February 1, 1989

11) Difference(s) between proposal and final version:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In addition to various typographical and format changes made as a result of comments from the Administrative Code Division and the Joint Committee on Administrative Rules, the following changes were made:

In Section 431.11(b)(1) the words "prospective adoptive parent" were deleted. A new Subsection 431.11(b)(4) was created to state:

"Prospective adoptive parents who have been licensed under 89 Ill. Adm. Code 402, who are willing to adopt a child with a terminal illness, and who have demonstrated an interest in a specific child who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS."

In Section 431.11(b)(1)(D) delete the words "otherwise possibly" and "chronic" and subdivide the rest of the paragraph into subsections (i) and (ii) after the words "such facilities" to state:

i) Who provide direct care for a child by feeding, diapering or handling blood or bodily fluids; or

ii) Who provide direct care to a child who bites, spits, has a bleeding problem such as nose bleeds or hemophilia or who cannot control normal bodily functions;

Section 431.11(b)(3) was amended to include: "i.e., advocates and counselors" at the end of the sentence.

Section 431.11(c) was amended to read:

"Persons to whom the Department has released information regarding HIV test results, diagnosis of ARC or AIDS, shall keep this information confidential in accordance with the provisions of the AIDS Confidentiality Act (Ill. Rev. Stat. 1987, ch. 111½, par. 7301 et seq.) and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697). Such information shall not be disclosed to other persons accept as authorized by the Department in accordance with subsection (b). Such authorization shall be signed by the Department's Guardianship Administrator or designee as defined by 89 Ill. Adm. Code 327.2 and shall contain the names and respective positions of those individuals to whom the information will be disclosed."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency Rules currently in effect? No.

14) Are there any amendments pending on this Part? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: The purpose of the Amendments is to implement various legislative changes which affect the Department's handling of confidential information. Section 431.5(b) was amended to allow access to records of child abuse and neglect reports to operators of licensed child care facilities or facilities licensed by the Department of Alcohol and Substance Abuse. In the same section the December 31, 1987 deadline for members of a multi-disciplinary team was deleted. Section 431.6(a)(4) was amended to allow disclosure of personal information to the agency designated by the Governor for administrating the protection and advocacy system for mentally ill persons. Section 431.7(b) was amended to allow disclosure of mental health information without the consent of the recipient's parents or guardian to an attorney appointed to represent the recipient. Section 431.11 was added to govern the disclosure of information regarding AIDS testing or diagnoses involving children for whom the Department is legally responsible. In addition to the above changes which were prompted by legislation, the Department amended Section 431.5(b)(8) to allow hearing officers to reveal the identity or location of persons reporting or cooperating in an investigation of child abuse and neglect if the lack of such information would prejudice the appellent's case or violate due process of law.

16) Information and questions regarding these amendments shall be directed to:

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498

Telephone: 217/785-2592

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 431
CONFIDENTIALITY OF PERSONAL INFORMATION
OF PERSONS SERVED BY THE DEPARTMENT

Section
431.1 Purpose
431.2 Definitions
431.3 Maintenance of Records
431.4 Consent Prior to Disclosure of Personal Information
431.5 Access to Records
431.6 Disclosure Without Consent
431.7 Disclosure of Information of a Mental Health Nature
431.8 Denial of Access to Information
431.9 Removal of Records Prohibited
431.10 Release of Personal Information for Research Purposes
431.11 Disclosure of Information Regarding (AIDS)
~~431.11~~ 431.12 Applicability of ~~These Rules~~ This Part

AUTHORITY: Implementing Section 35.1 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1987, ch. 23, par. 5035.1), the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1987, ch. 91 1/2, pars. 801 et seq.), Section 11 and 11.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, pars. 2061 and 2061.1), the AIDS Confidentiality Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 7301 et seq.), and "AN ACT for the protection and advocacy of mentally ill persons" (Ill. Rev. Stat. 1987, ch. 91 1/2, pars. 1351 et seq.), and authorized by Section 4 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named," (Ill. Rev. Stat. 1987, ch. 23, par. 5004) and Section 11.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, par. 2061.1).

SOURCE: Adopted and codified at 5 Ill. Reg. 7815, effective August 3, 1981; amended at 6 Ill. Reg. 15517, effective January 1, 1983; amended at 10 Ill. Reg. 21647, effective December 31, 1986; amended at 11 Ill. Reg. 12613, effective August 1, 1987; amended at 13 Ill. Reg. 2407, effective March 1, 1989.

Section 431.5 Access to Records

a) Access to Records for Persons Served by the Department
   1) Except as provided in these rules, each person served by the Department who has reached 12 years of age shall have full access to all records which contain his personal information, unless

access is prohibited by this Part. A parent whose parental rights have not been terminated or a guardian of a minor shall have full access to the personal information contained in the records of that minor, unless access is prohibited by this Part.

2) The Department shall provide access to records within 10 working days of the receipt of the request, if practicable. In instances where the material cannot be easily identified and assembled, the Department will provide the records within a reasonable time. Records shall be viewed in the Department field office, a purchase of service provider office or another location which will not place an undue hardship on the individual. The Department may require that a representative of the Department be present when the records are viewed to interpret the contents of the records. An individual may convey the right to view his records by written statement to an attorney or other person.

3) Every incidence of release of information to persons outside of the Department shall be recorded in the individual's case file, showing dates and other circumstances related to the release.

b) Access to Records of Child Abuse and Neglect Reports

The following persons are allowed access to records of child abuse and neglect reports without the consent of the subjects of the report. Other persons who wish access to these records must obtain written consent from the subjects of the report as provided in Section 431.7.

1) Department staff in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act;

2) Department and purchase of service provider staff assessing children and families in which abuse or neglect has occurred or providing services to these children and families;

3) Department staff verifying whether a child care facility subject to Department licensing is owned or operated by the perpetrators of child abuse or neglect ~~reports~~ or whether employees or volunteers who work directly with children have been the perpetrators of child abuse or neglect ~~reports~~;

4) Law enforcement officers investigating a report of suspected child abuse or neglect, known or suspected involvement with child pornography, known or suspected criminal sexual assault, known or suspected criminal sexual abuse, or any other sexual offense when a child is alleged to be involved;

5) The Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984;

6) States' Attorneys who need access to child abuse or neglect information in the course of their assigned duties;

7) Physicians examining a child where abuse or neglect is suspected;

8) Subjects, including minor subjects, of reports of suspected abuse or neglect. However, the identity or location of persons reporting or cooperating in an investigation shall not be provided to any subject, unless a subject appeals an indicated finding and a hearing officer determines that the lack of such information would prejudice the appellant's case or violate due

process of law principles. In addition, the Department may seek a court order prohibiting the release to the subjects of a report of any information deemed likely to be harmful to them;

9) The ~~personal~~ guardian of the person or guardian ad litem of a child who is the subject of a report;

10) A court, upon its finding that access is necessary to determine an issue before the court. Unless the court determines that disclosure of the information in open court is necessary, such access is limited to an inspection by the judge in his chambers or in a court room free of spectators.

11) A grand jury which determines that access is necessary to conduct its official business;

12) Persons who have been authorized by the Director, in writing, to review the records for audit or research purposes or to review such records in the regular course of the Department's business. Such access shall be time limited or limited to specific staff functions;

13) Persons authorized to take temporary protective custody only if the information is needed to determine whether to take the child into temporary protective custody;

14) A person who has legal responsibility or authorization to care for, treat, or supervise a child or a parent, guardian, or other person responsible for the welfare of a child who is the subject of a report;

15) Law enforcement officers, coroners or medical examiners, physicians, courts, school superintendents and child welfare agencies in other states who are responsible for child abuse or neglect investigations or background investigations. Such information shall be requested only for the purpose of aiding the investigation, assessment or service provision or background investigation in the requesting state;

16) The Illinois Department of ~~Registration---and---Education~~ Professional Regulation, when determining whether a mandated reporter who failed to report child abuse or neglect should be subject to license suspension or revocation; or when determining whether to refuse to issue, suspend or revoke the license of the following classes of persons due to the person having been named a perpetrator in an indicated report of child abuse or neglect:

A) Physicians
B) Physicians' Assistants
C) Dentists
D) Registered and practical nurses
E) Optometrists
F) Physical Therapists
G) Podiatrists
H) Psychologists
I) Social Workers
J) Athletic Trainers

17) School superintendents when determining whether a teacher's

certificate shall be suspended because the teacher has been named as a perpetrator in an indicated report of child abuse or neglect.

18) A coroner or medical examiner who has reason to believe that a child has died as the result of abuse or neglect;

19) The Director of a State-operated facility when an employee of that facility ~~is--the~~ has been named as a perpetrator of an indicated report; or

20) ~~Until December 31, 1987, m~~Members of a multidisciplinary team in the furtherance of its responsibilities under this Act.

21) The operator of a licensed child care facility or a facility licensed by the Department of Alcoholism and Substance Abuse in which children reside when a current or prospective employee of that facility has been named as a perpetrator in an indicated child abuse or neglect report.

(Source: Amended at 13 Ill. Reg. 2407, effective March 1, 1989)

Section 431.6 Disclosure Without Consent

a) Persons Who May Receive Personal Information Without Consent
The Department shall disclose personal information to the following persons or category of persons without the consent of the individual:

1) Law Enforcement Officers

A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State's Attorneys, the Attorney General, municipal and sheriff's police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the child's safety and well-being or when the information is relevant to a pending investigation.

B) If personal information is requested by law enforcement officers other than listed in ~~paragraph~~ subsection (A), or if the information requested is not consistent with the safety and well-being of the child or family served by the Department, the information may be released only by the Director of the Department or his designee.

2) Persons Who Have Subpoenas or Other Court Orders

A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court order of the confidential nature of the information and its policies regarding personal information. In addition, the Department

may take any appropriate legal actions to limit or quash the court order.

B) In the event that a subpoena has been issued by a court, the Department shall make a good faith effort to contact the subject of the order as explained in the ~~paragraph~~ subsection above. If a subpoena is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the child's safety and well-being.

C) When a person served by the Department is engaged in litigation against the Department, the Department shall release personal information concerning that individual or his children which is subject to discovery under the laws of the State of Illinois to him or his attorney.

3) Legislators
Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or committees or commissions thereof. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.

4) Professionals or Other Service Providers

A) With the exception of mental health records, as provided for in Section 431.7, personal information may be released by any Department employee acting within his official capacity~~,~~ to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of "AN ACT for the protection and advocacy of mentally ill persons" (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 1351 et seq.), and to psychiatrists, psychologists, doctors, social workers, other employees, volunteers, homemakers, contractors, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when necessary for the proper administration of the programs of the Department or the proper delivery of services to the persons served by the Department.

B) The Department, in releasing personal information, will limit the information released to that which is necessary to properly provide the service. The person(s) receiving the information shall be notified by the Department that the

information is confidential and that the information is not to be further released except as is necessary for the proper delivery of service.

C) Release of mental health materials must be made in conformity with the Mental Health and Developmental Disabilities Confidentiality Act.

D) Department employees may release personal information needed to establish paternity or support for a dependent child or relative.

5) Others Not Cited Above
Personal information may be released for the purposes and to persons other than those listed in these rules upon the written authorization of the Director when such authorization is not prohibited by state or federal law or regulation or rule.

b) Responses to Requests for Information

1) Written Requests

A) The Department shall accept written requests for the disclosure of personal information without the consent of the concerned individuals only when the requestor has provided a notary public's attestation as to his identity and has included the names of the individuals about whom the information is requested. Information shall only be released in compliance with this Part.

B) The Department will provide a written response to each written request via certified mail deliverable only to the requestor.

2) Telephone Requests

A) The Department shall accept telephone requests for child abuse and neglect information only when the request comes from Department staff investigating a report of child abuse or neglect, law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary child protective custody, physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody, and out-of-state agencies involved in a child abuse or neglect report.

B) The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only if the requesting person or agency is authorized by the rules in this Part to receive the information which they are requesting.

C) The Department shall not provide information to unknown requestors at the time of the initial inquiry. Instead, Department staff shall obtain the requestor's name, type of business, an official business phone number through which his identity and authority to receive the information can be verified, and the phone number at his current location. The

Department shall verify the requestor's identity and authority to receive the information by checking an official telephone listing or checking with a third party at the business office.

3) In-Person Requests

A) The Department shall accept in-person requests for the disclosure of personal information without the consent of the concerned individuals only when the requestors produce positive identification and proof of their legal authority to receive the requested information.

B) The Department will recognize only those guardians, custodians, or guardians ad litem who produce a court order appointing them to their positions. The Department will recognize only those attorneys or personal representatives who produce a written consent to release the requested information. The consent must be signed by the concerned individual and it must be notarized.

(Source: Amended at 13 Ill. Reg. 2407, effective March 1, 1989)

Section 431.7 Disclosure of Information of a Mental Health Nature

Release of and access to clinical, social work, psychological, psychiatric or other information of a mental health nature shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act. Significant portions of that Act are as follows:

a) *The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof:*

1) *the parent or guardian of a recipient who is under 12 years of age;*

2) *the recipient if he is 12 years of age or older;*

3) *another person on such recipient's behalf if the recipient so authorizes in writing;*

4) *the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying such access. The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record; or*

5) *the guardian of a recipient who is 18 years or older.*

b) Except as otherwise provided in the ~~MH/DD~~ Mental Health and Developmental Disabilities Confidentiality (MH/DD) Act records and communications as defined in that Act (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 802) may be disclosed only with the written consent of:

1) *the parent or guardian of a recipient who is under 12 years;*

2) *both the parent or guardian of a recipient who is at least 12 but under 18 years and the recipient. If only the recipient refuses to consent there shall be no disclosure unless the therapist*

finds that such disclosure is in the best interests of such recipient. If the parent or guardian refuses to consent, disclosure shall not be made; except to an attorney appointed to represent the minor recipient or requested by the minor recipient in writing to represent him or her; or

3) *the recipient if he is 18 years or older or his guardian if he has been adjudicated incompetent.*

c) Information disclosed with the written consent of those described in subsections (b)(1) through (3) above may not be redisclosed to any other person without the express written consent of those described in subsections (b)(1) through (3). Those persons authorized to give consent may revoke their consent at any time.

e d) Where the Department has legal guardianship of a child under 12 years, the Department may deny access of the natural parents to information pertaining to the child's mental health only if two (2) professional social workers (Master of Social Work degree) employed by the Department certify in writing that denial of such access is in the best interest of the child and/or parents.

(Source: Amended at 13 Ill. Reg. 2407, effective March 1, 1989)

Section 431.11 Disclosure of Information Regarding (AIDS)

a) The Department shall be informed of the results of Human Immunodeficiency Virus (HIV) tests performed on and of all diagnoses of AIDS Related-Complex (ARC) or Acquired Immunodeficiency Syndrome (AIDS), as defined in Public Health rules, 77 Ill. Adm. Code 697, (AIDS Confidentiality and Testing Code), for children for whom the Department is legally responsible.

b) The Department shall release information on children for whom it is legally responsible regarding HIV test results, diagnoses of ARC or AIDS to the child's legal parents and to persons who have the need to know such information. The categories of persons who have a need to know this information about a child are as follows:

1) those persons who supervise or provide direct care to the child such as

A) foster parents,

B) relative caretakers,

C) directors or operators of child care facilities, such as group homes, child care institutions, child welfare agencies, state operated facilities, day care homes, day care centers and the personnel of such facilities

i) who provide direct care for a child by feeding, diapering, or handling blood or bodily fluids; or

ii) who provide direct care to a child who bites, spits, has a bleeding problem such as nose bleeds or hemophilia or who cannot control normal bodily functions;

2) physicians, nurses, dentists and other medical providers who will be providing direct care to the child;

3) other persons who provide direct care for a child for whom the information is necessary in order to provide Department approved services for the child, i.e., advocates and counselors; or

4) prospective adoptive parents who have been licensed under 89 Ill. Adm. Code 402, who are willing to adopt a child with a terminal illness, and who have demonstrated an interest in a specific child who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS.

c) Persons to whom the Department has released information regarding HIV test results, diagnoses of ARC or AIDS, shall keep this information confidential in accordance with the provisions of the AIDS Confidentiality Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7301, et seq.) and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697). Such information shall not be disclosed to other persons except as authorized by the Department in accordance with subsection (b). Such authorization shall be signed by the Department's Guardianship Administrator or designee as defined by 89 Ill. Adm. Code 327.2 and shall contain the names and respective positions of those individuals to whom the information will be disclosed.

(Source: Former Section 431.11 renumbered to Section 431.12, new Section 431.11 adopted at 13 Ill. Reg. 2407, effective March 1, 1989)

Section 431.~~11~~12 Applicability of ~~These Rules~~ This Part

~~These rules~~ This Part shall apply to personal information contained in all closed, active and future records of the Department.

(Source: Renumbered from Section 431.11 and amended at 13 Ill. Reg. 2407, effective March 1, 1989)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3) Section Numbers: Adopted Action

300.20	Amendments
300.30	Amendments
300.90	Amendments
300.100	Amendments
300.110	Amendments
300.130	Amendments
300.140	Amendments
300.160	Amendments

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, pars. 2051 et seq.

5) Effective Date of Amendments: March 1, 1989

6) Does this rulemaking contain an automatic repeal date: ___Yes _X_No
If so, please specify date:

7) Do these amendments contain incorporations by reference? No
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?

8) Date Filed in Agency's Principal Office: March 1, 1989

9) Notice(s) of Proposal Published in Illinois Register:

July 22, 1988 (issue date), 12 Ill. Reg. 11953

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? Yes
If answer is "yes," please complete the following:

A) Statement of Objection: December 30, 1988 (issue date), 12 Ill. Reg. 22472

B) Agency Response: February 24, 1989 (issue date), 13 Ill. Reg. 2535

C) Date Agency Response Submitted for Approval to JCAR: February 1, 1989

11) Difference(s) between proposal and final version:

In the definition section, 300.20, the last two sentences in the definition

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

of "Undetermined Report" were deleted. In addition various typographical and stylistic changes were made as a result of comments from the Administrative Code Division and the Joint Committee on Administrative Rules, as well as the addition of and correction of many statutory citations throughout the rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of these amendments: A majority of the amendments were proposed in order to implement legislation passed by the General Assembly, while other amendments were made to clarify Department practice. The amendments are as follows: In the definition section, the definition of "Person responsible for the child's welfare" was revised to include "Any person who came to know the child through an official capacity or position of trust." In Section 300.30 the list of mandated reporters was expanded to include "crisis Hotline personnel, educational advocates assigned to a child pursuant to a School Code, domestic violence program personnel, recreational program or facility personnel and field personnel of the Illinois Department of Rehabilitation Services. Also in Section 300.30 statements were added that interference with reporting of suspected child abuse and neglect and second or subsequent false reports of child abuse and neglect are Class A Misdemeanors. Section 300.90 was amended to allow 72 hours for in-person contact with the alleged child victim in cases of educational neglect. Section 300.100 was revised to waive notification of a formal investigation to an alleged perpetrator's supervisor or administrator if the Department Director determines such notification would be detrimental to the investigation. Also in Section 300.100 the requirement for conducting data checks on Illinois Department of Professional Regulation records during the initial investigation has been deleted. Other changes in 300.90, 300.100 and 300.110 were made to provide clarification or guidance of Department practice. For example, in Section 300.100(b)(2), a statement was added that Department investigative staff shall not give Miranda warnings to alleged perpetrators and in Section 300.110(c), a statement was added regarding the use of interpreters for subjects who do not speak English. Section 300.110(i)(3)(D), was added to list reasons which constitute good cause for extending an investigation beyond the original 60 day period. Section 300.160(a) was amended to include the fact that investigators may require a copy of the completed autopsy report from the coroner or medical examiner on reports involving child deaths. A new subsection was added to Section 300.160 to govern reports involving allegations of abuse and neglect in schools. Section 300.130 was amended to provide notification to juvenile courts of reports involving state wards only

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

when a report is indicated. Section 300.130 (c)(2) was amended to clarify that written notice should explain that subjects have the right to request a review of the determination only when the report is indicated. Section 300.140 was amended to change the reference to the Illinois Department of Registration and Education to the Department of Professional Regulation. Also Subsection (c) was amended to delete district superintendents.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498

Telephone: 217/785-2592

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section
300.10 Purpose
300.20 Definitions
300.30 Reporting Child Abuse or Neglect to the Department
300.40 Content of Child Abuse or Neglect Reports
300.50 Transmittal of Child Abuse or Neglect Reports
300.70 Referrals to the Local Law Enforcement Agency and State's Attorney
300.80 Delegation of the Investigation
300.90 Time Frames for the Investigation
300.100 Initial Investigation
300.110 The Formal Investigative Process
300.120 Taking Children into Temporary Protective Custody
300.130 ~~Notification of the Determination~~ Notices Whether Child Abuse or Neglect Occurred
300.140 Transmittal of Information to the Illinois Department of ~~Registration and Education~~ Professional Regulation and to School Superintendents
300.150 Referral for Other Services
300.160 Special Types of Reports
APPENDIX A Acknowledgement of Mandated Reporter Status
APPENDIX B Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, pars. 2051 et seq.) and Section 3 of "AN ACT in relation to the performance of medical, dental or surgical procedures on and counseling of minors" (Ill. Rev. Stat. 1987, ch. 111, par. 4503).

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Section 300.20 Definitions

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;
commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;
commits or allows to be committed an act or acts of torture upon such child; or
inflicts excessive corporal punishment.
(Ill. Rev. Stat.1987, ch. 23, par. 2053)

"Caretaker" means the child's parent(s), guardian or custodian with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Child care facility" means any person, group of persons, agency, association, or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents. Child care facilities may be established for profit or not-for-profit. "Child care facility" is further defined in Section 2.05 of the Child Care Act and includes foster family homes and day care homes.

"Child Protective Service Unit" (CPS) means certain specialized State employees of the Department assigned by the Director or his designee to perform the duties and responsibilities as provided under this Part. They are also known as investigative staff. (Ill. Rev. Stat. 1987, ch. 23, par. 2053)

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

has signed an adoptive surrender or voluntary placement agreement with the Department.

"Collateral contact" means obtaining information concerning a child, ~~or--family~~ parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the decision whether a report of child abuse or neglect was "indicated" or "unfounded" has been deferred to another authority. The Department maintains responsibility for entering information about the report in the State Central Register and for notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department," as used in this Part, means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded."

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Such activities shall include: *an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report, the name, age and condition of other children in the environment;* *and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided.* ~~and~~ *After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report in writing, of the existence of the report and their rights existing under this Act in regard to amendment or expungement.* (Ill. Rev. Stat. 1987, ch. 23, par. 2053)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that some credible evidence of the alleged abuse or neglect exists.

"Initial Investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial Oral Report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved Subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

"Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of this Act (Ill. Rev. Stat. 1985 ch. 23, par. 2053).

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

"Person responsible for the child's welfare" means the child's parent, guardian, foster parent, any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect. (Ill. Rev. Stat. 1987, ch. 23, par. 2053)

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, his or her siblings living in the home, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report, and any other person living in the home.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours, excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department. ~~If good cause is shown for the delay, an additional 30 days are then allocated after which a determination must be made. In the absence of credible evidence of child abuse or neglect, the report must be determined "unfounded" at the end of 90 days.~~

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Amended at 13 Ill. Reg. 2419, effective March 1, 1989)

Section 300.30 Reporting Child Abuse or Neglect to the Department

a) Reports of suspected child abuse or neglect may be immediately made to the State Central Register via its toll-free number [1-800-25A-BUSE] at any time, day or night, or on any day of the week. Reports may also be made to the nearest Department office. The Department encourages use of the toll-free hotline number.

b) Persons Mandated to Report Child Abuse or Neglect

1) Types of Mandated Reporters

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Any of the following individuals who have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected shall immediately report or cause a report to be made to the Department. These mandated reporters include:

A) physicians, residents, and interns;
B) hospitals;
C) hospital administrators and personnel engaged in the examination, care and treatment of persons;
D) surgeons;
E) dentists;
F) dentist hygienists;
G) osteopaths;
H) chiropractors;
I) podiatrists;
J) Christian Science practitioners;
K) coroners;
L) medical examiners;
M) emergency medical technicians;
N crisis line or hotline personnel;
~~N~~O) school personnel;
P) educational advocate assigned to a child pursuant to the School Code;
~~O~~Q) truant officers;
~~P~~R) social workers;
~~Q~~S) social services administrators;
T) domestic violence program personnel;
~~R~~U) registered nurses;
~~S~~V) licensed practical nurses;
~~T~~W) directors or staff assistants of nursery schools or child day care centers;
X) recreational program or facility personnel;
~~U~~Y) law enforcement officers;
~~V~~Z) registered psychologists;
~~W~~AA) assistants working under the direct supervision of a psychologist or psychiatrist;
~~X~~BB) field personnel of the Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, Corrections, Children and Family Services, ~~or~~ Human Rights~~,~~ or Rehabilitation Services;
~~Y~~CC) probation officers; or
~~Z~~DD) foster parents, homemakers or any other child care worker.

2) Acknowledgement of Reporting Responsibility

A) Individuals who became mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1985~~7~~, ch. 23, par. 2054). The statement shall be on a form

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

prescribed by the Department but provided by the employer. (See ~~89--Ill.---Adm.--Code-300.~~ Appendix A.) The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.

B) The Department shall provide, upon request at a reasonable cost of $.50 each, copies of the Abused and Neglected Child Reporting Act to all employers employing persons who are mandated to report under this Act.

3) Interference with Reporting Prohibited

A) *Mandated reporters who report instances of child abuse or neglect in their capacity as members of the staff of a medical or other public or private institution, school, facility or agency, may also notify the person in charge or designee of such institution, school, facility or agency that a report has been made. However, the person in charge or designee may not exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.* (Ill. Rev. Stat. 1987, ch. 23, par. 2054)

B) Any person who knowingly and willfully violates any provision of this Section shall be guilty of a Class A misdemeanor.

4) Consequences of Failure to Report

A) The privileged quality of communication between any professional person required to report and patient or client shall not constitute grounds for failure to report suspected child abuse or neglect. Mandated reporters who willfully fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with the following statutes:

i) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1985~~7~~, ch. 111, pars. 3~~4~~501 et seq.);
ii) Medical Practice Act of 1987 (Ill. Rev. Stat. 1985~~7~~, ch. 111, pars. 4400-1~~1~~ et seq.);
iii) ~~"AN-ACT-to-regulate-the-practice-of--podiatry--in--the State--of--Illinois"~~ Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1985~~7~~, ch. 111, pars. 49~~8~~01 et seq.);
iv) Psychologist Registration Act (Ill. Rev. 1985~~7~~, ch. 111, pars. 5301 et seq.);
v) Social Workers Registration Act (Ill. Rev. Stat. 1985~~7~~, ch. 111, pars. 6301 et seq.);
vi) The School Code (Ill. Rev. Stat. 1985~~7~~, ch. 122, pars. 1-1 et seq.); and
vii) The Illinois Dental Practice Act (Ill. Rev. Stat. 1985~~7~~, ch. 111, pars. 2301 et seq.).

B) *Any physician who willfully fails to report child abuse or neglect shall be referred to the Illinois State Medical*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Disciplinary Board for action. Any other person required to report suspected child abuse or neglect who willfully fails to report such abuse or neglect shall be guilty of a Class A misdemeanor. (Ill. Rev. Stat. 1987, ch. 23, par. 2054)

5) Written Confirmation of Reports
Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours of the oral report. The Department shall provide forms to mandated reporters--one for the exclusive use of medical professionals and another for use by all other mandated reporters. These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect. Local investigative staff shall transmit confirmation reports to the State Central Register within 24 hours of receipt.

c) Other Persons May Report
Other persons may report suspected child abuse or neglect if they have reasonable cause to believe a child may be abused or neglected.

d) Consequences of False Reporting
*Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under Subsection (a) (7) of Section 26-1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1985*7*, ch. 38, par. 26-1). A violation of this Subsection is a Class B misdemeanor, punishable by a term of imprisonment for not more than 6 months, or by a fine not to exceed $500, or both. Any person who violates this provision a second or subsequent time shall be guilty of Class A misdemeanor.* The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known. (Ill. Rev. Stat. 1987, ch. 23, par. 2054)

e) Cooperation in Court
Any person who makes a report or who investigates a report may be ordered by the Court to testify fully in any judicial proceeding resulting from the report about any evidence of the abuse or neglect or the cause of the abuse or neglect. No evidence shall be excluded because of any common law or statutory privilege regarding communications between the alleged perpetrator or the child subject and the person making or investigating the report.

(Source: Amended at 13 Ill. Reg. 2419, effective March 1, 1989)

Section 300.90 Time Frames for the Investigation

The following activities must be completed within the time frames indicated, except as exempted in Section 300.110(d). The time the report was received at the State Central Register begins the investigative process.

a)	In-person contact with alleged child victim or in-person examination of the environment for inadequate shelter and environmental neglect reports only or good faith attempt/Begin the initial investigation. The investigation shall begin immediately if the child is believed to be in immediate danger of physical harm or it is likely that the family may flee with the child.	24 hours
b)	In-person contact with alleged child victim or good faith attempt--Educational Neglect/Begin the initial Investigation	72 hours
b)c)	In-person contacts with the alleged perpetrator, the children's caretaker and the alleged child victim if not completed sooner	7 days
c)d)	Preliminary Investigation Report--Begin the Formal Investigation (Written)	14 days
d)e)	Final Determination--Formal Investigation (Written)	60 days

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 13 Ill. Reg. 2419, effective March 1, 1989)

Section 300.100 Initial Investigation

a) When a report of child abuse or neglect is received, Department investigative staff will make an initial investigation to validate whether there is reasonable cause to believe that child abuse or neglect exists.

b) The initial investigation will consist of the following steps:
1) in-person contact with all alleged child victims or in-person examination of the environment for inadequate shelter and environmental neglect reports only, and
2) in-person or telephone contact with the reporter, if the reporter's identity and whereabouts are available; and
3) data checks of Departmental, and law enforcement, ~~--and--Illinois Department of Registration and Education~~ records.
4) If the initial investigation is not completed within seven days, the alleged perpetrator and the children's caretaker shall be contacted.

c) Investigative staff shall begin an investigation within 24 hours after the Department receives a report alleging child abuse or neglect. However, in cases of educational neglect the investigation shall begin within 72 hours of receipt of the report. An investigation shall begin immediately when:
1) a child is believed to be in immediate danger of physical harm; or
2) it is likely that the family may flee with the child.

d) An investigation normally shall be started by in-person contact with all the children alleged to have been abused or neglected. When the incident occurred in a ~~child care or group care facility~~ group setting and a number of perpetrators or children are alleged to be involved, contact may be delayed while a comprehensive investigative plan is

developed with other investigative bodies (e.g. local law enforcement, the Department of State Police, out-of-state law enforcement, the Federal Bureau of Investigation) as long as the children's safety can be assured during the delay.

e) However, in some instances, the Department's good faith attempt to contact the children alleged to have been abused or neglected shall be sufficient to start the investigation. The following constitute good faith attempts to begin the investigation:
   1) when investigative staff learns, upon proceeding to the location given for the children alleged to have been abused or neglected, that the children have disappeared, the family has fled, the address does not exist, no one is at the location, or not all of the children alleged as abused or negelected are at the location; or
   2) when the involved child subjects are not accessible; or
   3) when the adult caretaker refuses to let child protective service staff see or speak with the involved child subject.

f) Although a good faith attempt to contact the children alleged to be abused or neglected begins the investigation, this good faith attempt does not relieve investigative staff of the responsibility to complete the contacts required by Department rule. Investigative staff will continue to attempt to establish in-person contact with the alleged child victim, conducting a diligent search to locate the child.

g) Investigative staff will examine the following criteria to determine whether there is a good faith indication to believe that abuse or neglect exists:
   1) The alleged victim(s) must be less than 18 years of age; and
   2) The alleged victim(s) must either have been harmed or must be in substantial risk of harm; and
   3) There must be an abusive or neglectful incident or set of circumstances as defined in Appendix B of this Part which caused the alleged harm or substantial risk of harm to the child.
   4) For abuse, the alleged perpetrator must be the child's parent, foster parent, guardian, immediate family member, any individual who resides in the same house as the child, the paramour of the child's parent or any person responsible for the child's welfare at the time of the alleged abuse;
   5) For neglect, the alleged perpetrator must be the child's parent, guardian, foster parent or any person responsible for the child's welfare at the time of the alleged neglect.

h) If any one of the above criteria is not present, a determination will be made that the report does not provide a good faith indication that child abuse or neglect exists, and the investigation will be terminated. If the above criteria are present, investigative staff will begin a formal investigation.

i) If, after the initial investigation, investigative staff determine that:
   1) there is good faith indication that child abuse or neglect exists, and

   2) the person who is alleged to have caused the abuse or neglect is employed or otherwise engaged in activity resulting in frequent contact with children; and
   3) the alleged child abuse or neglect occurred in the course of that employment or activity;

then upon commencement of the formal investigation the Department shall inform the appropriate supervisor or administrator of that employment or activity that a formal investigation has been commenced which may or may not result in an indicated report unless the Director determines that such notification would be detrimental to the Department's investigation. The Department may also notify the person being investigated, unless the Department determines that such notification would be detrimental to the Department's investigation.

j) The Department will notify the following persons when an initial investigation determines that a report does not contain a good faith indication that child abuse or neglect exists and, therefore, a formal investigation will not be commenced:
   1) mandated reporters,
   2) custodial parents, personal guardians and legal custodians of the alleged child victims, and
   3) alleged perpetrators.

k) The subjects of the report may request that a report which was not validated by the initial investigation be retained in the Department's computer and local index files, if the subjects of the report believe that the report was made for harassment purposes. The Department shall honor all such written requests and shall retain these records for five years, as allowed in the Abused and Neglected Child Reporting Act.

(Source: Amended at 13 Ill. Reg. 2419, effective March 1, 1989)

Section 300.110 The Formal Investigative Process

a) Beginning the Formal Investigation
The formal investigation begins as soon as investigative staff make a determination following the initial investigation that there is reasonable cause to believe that child abuse or neglect exists. Any actions described below which were taken during the initial investigation need not be repeated. Any time frames listed in Section 300.90 which apply to the formal investigation mentioned below are retroactive to the beginning of the initial investigation.

b) Notifications During the Formal Investigation
   1) During the first contact, after the formal investigation has begun, with the child's custodial parent, personal guardian, or legal custodian and the alleged perpetrator, the investigative staff shall notify them in writing that:
      A) the Department has received a report alleging abuse or neglect of their child; and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

B) the Department is legally mandated to investigate all child abuse or neglect reports; and

C) information concerning the report has been entered into the Department's files; and

~~B)~~ ~~the Department will seek their full cooperation but in the absence of such cooperation, the Department may take whatever steps are necessary to assure the safety of the child; and~~

~~B)~~D) the Department will work confidentially with them unless it becomes necessary to share information with authorized individuals or agencies as provided by law in 89 Ill. Adm. Code 431; and

~~F~~E) the subjects have the right of access to the information in the report with the exception of information which would identify the reporter or persons who cooperated in the investigation.

~~2)~~ ~~The alleged perpetrator, when other than the parent, personal guardian or legal custodian, shall be notified in writing of the above during the first contact after the formal investigation has begun.~~

2) Department investigative staff shall not give Miranda warnings to alleged perpetrators.

c) Required Investigative Contacts

Investigative staff shall have direct, in-person contact with the alleged child victim, the alleged perpetrator, and the child's caretaker within seven days of the date the report was received, except in those situations noted in Section 300.110(d). If the subjects of the report do not speak the English language, an interpreter shall be obtained or a worker assigned who speaks the same language as the subjects of the reports.

d) Situations Where the Contact Requirement is Waived

1) In-person contact is not required when:

A) any subject of a child abuse or neglect report refuses to meet with or speak to the investigative worker; and

B) the worker has attempted to involve the local law enforcement agency or the State's Attorney, but this has failed to gain cooperation.

2) In-person contact is not required when it is documented that a child abuse or neglect subject is inaccessible. ~~by reasonable or ordinary means and will remain inaccessible for at least two weeks~~

3) In-person contact is not required when it is documented that the investigative worker has made a good faith attempt to locate the subjects of the report, but cannot, after a diligent search, locate them.

e) Collateral Contacts

The Department may make collateral contacts with persons other than the subjects of the report or the reporter to obtain further information regarding suspected child abuse or neglect. When

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

determining whether collateral contacts should be made, the Department shall weigh:

1) the allegations contained in the report;

2) the severity of the incident; and

3) the likelihood that the collateral contact will have relevant information about the allegations or the incident.

f) Administrative Subpoenas

If a mandated reporter who is believed to have information about the subject of a report is not allowed or refuses to speak with or provide documents to a child protective service worker about the reported child or family, an administrative subpoena may be issued to obtain the necessary information. This applies regardless of whether the mandated reporter made the report being investigated. In addition, if a parent, personal guardian, legal custodian, or alleged perpetrator refuses to meet with or speak to a child protective service worker, a subpoena may be issued to obtain the necessary information.

g) Photographs and X-rays

1) Department investigative staff may take or obtain color photographs and x-rays of a child who is the subject of an abuse or neglect report when the child has observable marks or injuries believed to be caused by abuse or neglect. When the child's environment creates a substantial risk of injury or other harm, photographs may be taken of the child's environment.

2) If the child's parents, personal guardian, or legal custodian can be located, he or she shall be notified of the Department's intent to secure the photographs or x-rays.

h) Immunity from Liability

1) Any persons, institutions, or agencies shall have immunity from any liability if they, in good faith:

A) report suspected child abuse or neglect;

B) assist in the investigation of a child abuse or neglect report;

C) take temporary protective custody in accordance with Section 300.120; or

D) take photographs or x-rays to substantiate the abuse or neglect report.

2) For purpose of any civil or criminal liability, a person's good faith in taking the above actions shall be presumed.

i) Final Determinations Regarding Child Abuse or Neglect

1) Investigative staff in their role as mandated reporters may add allegations of abuse or neglect or subjects to a report during the course of the investigation.

2) Upon completion of an a formal investigation of abuse or neglect, investigative staff shall make a final determination as to whether a child was abused or neglected. This determination shall be based upon whether the information gathered from other persons during the investigation and the direct observations made by the investigative staff during the investigation constitute credible evidence of child abuse or neglect.

3) Allegations may be determined to be indicated, undetermined, or unfounded.
   A) When credible evidence of abuse or neglect has been obtained, the allegation is indicated. A court finding of child abuse or neglect shall be presumptive evidence that the report is indicated. If any allegation of child abuse or neglect is indicated, the report is indicated.
   B) When credible evidence of abuse or neglect has not been obtained, the allegation is unfounded. If all allegations of child abuse or neglect are unfounded, the report is unfounded.
   C) When investigative staff have been unable, for good cause, to gather sufficient facts to support a decision within 60 days of the date the report was received, the allegation shall be considered undetermined. ~~An a~~Additional periods of 30 days shall then be permitted to complete the investigation, after which a determination shall be made. In the absence of credible evidence of abuse or neglect, the allegations and the report shall be designated unfounded.
   D) Good cause for extending the period for making a determination an additional 30 days may include but is not limited to the following reasons:
      i) State's attorneys or law enforcement officials have requested that the Department delay making a determination due to a pending criminal investigation.
      ii) Medical or autopsy reports needed to make a determination are still pending after the initial 60 day period.
      iii) The report involves an out-of-state investigation and the delay is beyond the Department's control.
      iv) Multiple alleged perpetrators or victims are involved necessitating more time in gathering evidence and conducting interviews.

(Source: Amended at 13 Ill. Reg. 2419, effective March 1, 1989)

Section 300.130 ~~*Notification of the Determination*~~ Notices Whether Child Abuse or Neglect Occurred

a) The Department provides a written notice to mandated reporters who reported suspected child abuse or neglect as well as to the child's parent, personal guardian, or legal custodian; the Juvenile Court Judge (when a State ward is involved); and the alleged perpetrator concerning the final determination of the report.
b) Mandated Reporters
   1) Mandated reporters who have reported suspected child abuse or neglect are informed via a written notice that a formal investigation was conducted. The written notice also provides

an explanation of how further information on an indicated report may be secured. Department staff will notify them in writing:
      A) whether the child was the subject of a report of abuse or neglect;
      B) whether the report was indicated or unfounded;
      C) whether the Department took temporary protective custody.
   2) Requests for additional information must be directed, in writing, to the State Central Register and must include:
      A) the identity of the requestor;
      B) the subject(s) name for whom the record is requested;
      C) a notary public's attestation as to the identity of the requestor;
      D) the purpose of the request.
   3) Upon receipt of an appropriate request, only the following information will be disclosed to the mandated reporter:
      A) whether a Department case has been opened for the family or children; and
      B) what Department services are being provided to the family or children.
   4) All requested information is sent in writing through certified mail and is deliverable only to the mandated reporter who made the request.
c) Custodial Parents, Personal Guardians, Legal Custodians, ~~Juvenile Court Judges~~, and Alleged Perpetrators
   1) Custodial parents, personal guardians, or legal custodians of child subjects; ~~the Juvenile Court Judge (when child subjects are wards of the State);~~ and alleged perpetrators shall receive notification within 5 calendar days after the report has been indicated or unfounded which indicate that the allegations were either:
      A) unfounded, and that all identifying information in the computer and local index files will be destroyed unless the subjects request that they be retained; or
      B) indicated, and all Department records will be maintained intact.
   2) In addition, written notices shall explain that:
      A) the subjects of the report have access to the Department's records on the report, with the exception of the identity of the reporter or other persons who cooperated in the investigation;
      B) the subjects of the report have the right to request a review of the determination that the report was indicated ~~or unfounded~~ including the decision to maintain a record of the report in the Department's computer and local index files. 89 Ill. Adm. Code 309 fully explains the Department's review and appeal process; and
      C) the subjects of the report may request, within 10 days of the date on the written notice, that an unfounded report be retained in the Department's computer and local index files,

if the subjects of the report believe the report was not made in good faith. All such requests will be honored.

d) ~~Non-custodial, legal Parents~~ Other Parties
The Department shall notify non-custodial, legal parents of involved child subjects only when the child abuse or neglect report is indicated and the parents' whereabouts are known. The Department shall also notify the Juvenile Court when a report involving state wards is indicated. If services are being provided, the notice shall also give the name and location of the Department office that is serving their children.

(Source: Amended at 13 Ill. Reg. 2419, effective March 1, 1989)

Section 300.140 Transmittal of Information to the Illinois Department of ~~Registration and Education~~ Professional Regulation and to School Superintendents

a) The Department will transmit to the Illinois Department of ~~Registration and Education~~ Professional Regulation information regarding perpetrators of indicated reports of child abuse or neglect who are known to be subject to licensure or registration by the Department of ~~Registration and Education~~ Professional Regulation under the following Acts:
1) Section 23 of The Illinois Dental Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 2323) ~~, as amended by P.A. 84-1318, effective January 1, 1987~~
2) Section ~~1~~ 25 of The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1985, ch. 111, par. ~~3420~~525)
3) Section ~~13~~ 24 of The Illinois Optometric Practice Act of 1987 (Ill. Rev. Stat. 1985, ch. 111, par. ~~3814~~924) ~~, as amended by P.A. 84-1318, effective January 1, 1987~~
4) Section 17 of ~~the Illinois Physical Therapy Act of 1985~~ "AN ACT in relation to physical therapy" (Ill. Rev. Stat. 1985, ch. 111, par. 4267) ~~, as amended by P.A. 84-1318, effective January 1, 1987~~
5) Section ~~16~~ 22 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1985, ch. 111, par. ~~4413~~00-22) ~~, as amended by P.A. 84-1318, effective January 1, 1987~~
6) Section ~~11~~ 21 of the Physician's Assistants Practice Act of 1987 (Ill. Rev. Stat. 1985, ch. 111, par. ~~4762~~621) ~~, as amended by P.A. 84-1318, effective January 1, 1987~~
7) Section 9 24 of ~~"AN ACT to regulate the practice of podiatry in the State of Illinois"~~ the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1985, ch. 111, par. ~~4922~~824) ~~, as amended by P.A. 84-1318, effective January 1, 1987~~
8) Section 15 of the Psychologist Registration Act (Ill. Rev. Stat. 1985, ch. 111, par. 5316) ~~, as amended by P.A. 84-1318, effective January 1, 1987~~

9) Section 11 of the Social Workers Registration Act (Ill. Rev. Stat. 1985, ch. 111, par. 6315) ~~, as amended by P.A. 84-1318 effective January 1, 1987~~
10) Section 16 of the Illinois Athletic Trainers Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 7616) ~~, as amended by P.A. 84-1318 effective January 1, 1987~~

b) The Department will transmit to district school superintendents in Illinois information regarding any persons known to be employed in a school or who otherwise come into frequent contact with children in a school who are determined to be perpetrators of indicated reports of child abuse and neglect.

c) The Department will transmit to ~~the district and~~ regional superintendents and the State Superintendent of Education information that a person known to be a holder of a certificate issued by the State Board of Education has been named as a perpetrator in an indicated report of child abuse or neglect.

d) If a request for a review and fair hearing is received within 60 calendar days of the date on the written notice that the report is indicated, information regarding the request will be sent to the Department of ~~Registration and Education~~ Professional Regulation or district and regional school superintendents and the State Superintendent of Education in accord with applicable law.

(Source: Amended at 13 Ill. Reg. 2419, effective March 1, 1989)

Section 300.160 Special Types of Reports

~~Three~~ Four types of child abuse or neglect reports shall receive special attention as specified below:

a) Incident Involving the Death of a Child
The Department shall immediately contact the appropriate medical examiner or coroner, the local law enforcement agency, and the State's Attorney when there is reasonable cause to suspect that a child has died as a result of abuse or neglect. The child protective investigator assigned to the investigation shall require a copy of the completed autopsy report from the coroner or medical examiner.

b) Reports Involving Child Care Facilities
Reports alleging abuse or neglect of children in child care facilities shall be made and received in the same manner as other reports. The appropriate supervisor or administrator at the facility shall be notified once the formal investigation has been commenced. Department licensing staff will be notified of all reports on licensed facilities upon commencement of the formal investigation. The Department shall advise the supervisor or administrator of ~~the~~ their responsibility to take reasonable action necessary, based on all relevant circumstances and the allegations being investigated, to insure that the alleged perpetrator of the reported abuse or neglect is restricted from contact with children in the facility during the course of the formal

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

investigation.

c) Reports Involving Schools
When a report is received alleging abuse or neglect of a child by a school employee known to the child through the employee's official or professional capacity, the Department will take the following actions:

1) to the extent possible, conduct an investigation involving a teacher at a time when the teacher is not scheduled to conduct classes.

2) conduct investigations involving other school employees in such a way as to minimize disruption of the school day.

3) make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor, if the report does not involve allegations of sexual abuse or extreme physical abuse.

4) when a report of alleged abuse involving a teacher occurred in the course of the teacher's efforts to maintain safety for other students, determine whether the teacher used reasonable force in accordance with rules established by the local board of education as authorized by The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 1-1 et seq.)

5) advise school officials that they may, in accordance with The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 1-1 et seq.), withhold from any person, information on the whereabouts of any child removed from school premises, when the child has been taken into protective custody as a victim of suspected child abuse and that they may direct persons seeking information to the Department or to the local law enforcement agency.

c~~)~~d) Reports Involving State Facilities and State Employees Acting in Their Official Capacity
When reports are received alleging abuse or neglect of children by any State of Illinois Department or any State employee acting in his or her official capacity, the report-taker will immediately notify the Director of the Department or designee. The Director or designee will transmit the details ~~in a~~ of the report to the Division of Internal Investigation, Illinois Department of State Police.

(Source: Amended at 13 Ill. Reg. 2419, effective March 1, 1989)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Farm Development Authority

2) Code Citation: 8 Ill. Adm. Code 1400

3)

Section Numbers:	Adopted Action:
1400.147	Amendment
1400.149	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 5, par. 1207

5) Effective Date of Amendments: February 10, 1989

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain Incorporations by Reference? No.

8) Date Filed in Agency's Principal Office: February 2, 1989

9) Notice of Proposal Published in Illinois Register: March 25, 1988, 12 Ill. Reg. 5545

10) Has JCAR issued a statement of objections to these amendments? No.

11) Differences Between Proposal and Final Version: Changes made at the request of JCAR are attached. No other changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
1400.10	Amendment	12 Ill. Reg. 13832, 09/02/88
1400.140	Amendment	12 Ill. Reg. 13832, 09/02/88

15) Summary and Purpose of Amendments: The amendments to Sections 1400.147 and 1400.149 reflect changes to the programs caused by State legislation.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Laura Cadagin
Chief Financial Officer
Illinois Farm Development Authority
427 East Monroe Street, Suite 201
Springfield, Illinois 62701
(217)782-5792

The full text of the Adopted Amendments begins on the next page.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY

PART 1400
ILLINOIS FARM DEVELOPMENT AUTHORITY

Section
1400.10 Definitions
1400.20 Composition, Appointment and Terms of Office
1400.30 Officers
1400.40 Executive Director
1400.50 Meetings
1400.60 Quorum
1400.70 Reimbursement
1400.80 Rules of Order
1400.90 Records and Reports
1400.100 Public Participation
1400.110 Rulemaking Procedures
1400.120 Purchasing Rules and Regulations
1400.130 Rules and Guidelines Applicable to All Bond Programs
1400.140 Bond Programs and Guidelines Particular to Each
1400.145 Rules and Guidelines Applicable to the Interest Buy Down Program
1400.147 Rules and Guidelines Applicable to the State Guarantee Program
1400.148 Rules and Guidelines Applicable to the Farm Debt Relief Program
1400.149 Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries
1400.150 Seal
1400.160 Principal Office
1400.170 Revision
1400.180 Construction; Waiver; Severability
Illustration A OIALP Regions (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act (Ill. Rev. Stat. 1987, ch. 5, par. 1201 et seq.) and by the Farm Credit Allocation Act (Ill. Rev. Stat. 1987, ch. 5, par. 1251 et seq.)

SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 2059, effective January 10, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599,

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

effective February 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989.

NOTE: Statutory language is denoted by capitalization.

Section 1400.147 Rules and Guidelines Applicable to the State Guarantee Program

a) General Description of Program. The State Guarantee Program ("SGP") is intended to provide farmers who are experiencing financial difficulties caused by high interest rates and low commodity prices with a debt restructuring schedule to consolidate and spread out existing debt over a longer term at a reduced interest rate so that farmers will be able to continue existing farming operations. The provisions of this Section 1400.147 of this Part are applicable only to the SGP, and the provisions of Sections 1400.130 and 1400.140 of this Part are inapplicable to the SGP and procedures provided for pursuant to this Section.

b) Definitions Applicable to the SGP Only.

"Applicant" means a farmer whose application for a State Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life interest in trusts; government payments or grants; and any other assets.

"Current Outstanding" means on the date of the application for any State Guarantee.

"Current Status" means the absence of any arrearages in any previously incurred debt for which a State Guarantee is sought.

"Debt to Asset Ratio" means the CURRENT OUTSTANDING LIABILITIES OF THE FARMER DIVIDED BY THE CURRENT OUTSTANDING ASSETS OF THE FARMER. (Ill. Rev. Stat. 1985, ch. 5, par. 1212.1)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

"Farmer" means A RESIDENT OF ILLINOIS, WHO IS A PRINCIPAL OPERATOR OF A FARM OR LAND, AT LEAST 50% OF WHOSE GROSS ANNUAL INCOME IS DERIVED FROM FARMING AND WHOSE DEBT TO ASSET RATIO SHALL NOT BE LESS THAN 40%. (Ill. Rev. Stat. 1985, ch. 5, par. 1212.1)

"Fund" means the ILLINOIS AGRICULTURAL LOAN GUARANTEE FUND, WHICH IS THE STATE'S FUND TO COVER LOSSES RESULTING FROM DEFAULTS ON STATE GUARANTEE LOANS. (Ill. Rev. Stat. 1985, ch. 5, par. 1212.1)

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code. (26 U.S.C. 61)

"Liability" INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING: ACCOUNTS PAYABLE; NOTES OR OTHER INDEBTEDNESS OWED TO ANY SOURCE; TAXES; RENT; AMOUNTS OWED ON REAL ESTATE CONTRACTS OR REAL ESTATE MORTGAGES; JUDGMENTS ACCRUED; INTEREST PAYABLE; AND ANY OTHER LIABILITY. (Ill. Rev. Stat. 1985, ch. 5, par. 1202)

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as determined by the Authority.

c) Eligible Farmers. To qualify for participation in the SGP, each farmer must:

1) maintain his principal residence in the State;

2) be at least eighteen (18) years of age at the time of application;

3) be the principal operator of the farming business for which the funds guaranteed by the SGP are contemplated to be used;

4) be able to show, based upon his/her most recent Federal Income Tax Return and current data, that at least 50% of his/her annual gross income is derived from farming;

5) have a debt to asset ratio of not less than 40% and not greater than 65%;

6) provide sufficient collateral to secure the State Guarantee and agree to keep the State Guarantee adequately collateralized in the future;

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

7) certify and agree that he/she will only use the State Guarantee to consolidate and restructure existing farming debts.

d) Limitations

1) NO STATE GUARANTEE SHALL EXCEED $300,000 PER FARMER OR FARMING OPERATION. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

2) EACH STATE GUARANTEE SHALL BE SET UP ON A PAYMENT SCHEDULE NOT TO EXCEED 30 YEARS, BUT SHALL BE NO LONGER THAN 10 YEARS IN DURATION ~~AMORTIZED OVER A 30 YEAR PERIOD, BUT SHALL BE PAYABLE IN FULL AT THE END OF 10 YEARS FROM THE DATE OF THE PROMISSORY NOTE~~. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

3) ONLY ONE STATE GUARANTEE SHALL BE MADE TO ANY ONE FARMER. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

4) Only one State Guarantee shall be made for any one farming operation. If applicants file separate Schedule F's for their Federal Income Tax Returns, then they will be considered to operate separate farming operations.

e) Application Procedures and Review.

1) Lenders interested in the SGP must complete a Letter of Interest and return it to the Authority's office in Springfield, Illinois. After the Letter of Interest has been received by the Authority, the lender will be placed on the mailing list for the SGP.

2) THE LENDERS SHALL APPLY (ON FORMS APPROVED AND PROVIDED BY THE AUTHORITY) FOR STATE GUARANTEES TO THE AUTHORITY. THE APPLICATION SHALL, AT A MINIMUM, CONTAIN THE FARMER'S NAME, ADDRESS, PRESENT CREDIT AND FINANCIAL INFORMATION, INCLUDING CASH FLOW STATEMENTS, FINANCIAL STATEMENTS, BALANCE SHEETS, AND ANY OTHER INFORMATION PERTINENT TO THE STATE GUARANTEE. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

3) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute. Upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee Loan will be considered closed.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

4) The lender shall certify that all the information contained on the application and other submitted documents is correct, and shall be liable to the Authority for any damages suffered by any incorrect or untrue statement contained in any certified application.

5) The application period for the SGP shall commence immediately upon the determination that these Rules are properly filed with the Office of the Secretary of State, and end when the Authority has issued State Guarantees equal to $140,000,000 or at any later time as may be set from time to time by legislative extension.

6) Following submission of the Guarantee application by the lender, the Authority shall review the application. The Authority's review shall include, but will not be limited to, whether the applicant is an eligible farmer and whether the lender has complied with the requirements of Section 1400.147(f) of this Part. The Authority will base its evaluation on collateral, percentage of loan, debt to asset ratio, cash flow, etc.

7) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Part:

A) If the Executive Director determines that the loan application is incomplete, he or she shall, within fourteen (14) days of such determination, inform the lender and the applicant of such determination, and detail the information or material that is necessary to complete the application. For the purposes of Section 1400.147(j) of this Part, no application shall be deemed complete until the lender or applicant has provided the additional information or material requested by the Executive Director.

B) When the Executive Director has completed his or her review of the Guarantee application, he or she shall present the application, with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on collateral, percentage of loan, debt to asset ratio, cash flow, etc.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

8) The Board shall review each loan application presented by the Executive Director in accordance with the provision of the Act and this Part, and the Board shall:

A) approve the application and provide the Guarantee, pursuant to the Act and this Part; or,

B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.

9) Each applicant shall pay a $400.00 application fee which will be submitted to the lender at the time of the application. Of this $400.00 application fee, the Authority shall be paid $300.00, which must accompany the State Guarantee loan application when sent to the Authority. The lender shall receive the remaining $100.00 for administrative expenses. At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee which may be used to pay for administrative expenses incurred by the lender and the Authority. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee Loan amount. The Authority shall credit the $400.00 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. THE APPLICANT SHALL BE RESPONSIBLE FOR PAYING ANY FEES OR CHARGES INVOLVED IN RECORDING MORTGAGES, RELEASES, FINANCING STATEMENTS, INSURANCE FOR SECONDARY MARKET ISSUES AND ANY SIMILAR FEES NECESSARY FOR CLOSING AND MAINTAINING THE STATE GUARANTEE OR SELLING IT INTO THE SECONDARY MARKET. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

10) If the application is denied, the applicant and the lender may file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. This Request for Reconsideration must be filed with the Authority not later than 21 days after such denial. The Request for Reconsideration should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request for Reconsideration at its next scheduled meeting, and shall either approve the application or deny the Request for Reconsideration. The applicant will have the opportunity to present new relevant facts on his

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

previous denial to the Board, and if such facts will establish eligibility, the Request will be granted. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application shall be deemed complete for the purposes of subsection (j) of this Section.

f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Part, the lender:

1) AGREES TO BRING THE FARMER'S DEBT TO A CURRENT STATUS AT THE TIME THE STATE GUARANTEE IS PROVIDED; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

2) <u>CHARGES A FIXED OR ADJUSTABLE INTEREST RATE WHICH IS BELOW THE MARKET RATE OF INTEREST GENERALLY AVAILABLE TO THE BORROWER. The market rate of interest is that rate which would be charged by the same lender for the same project without the State Guarantee.</u> ~~CHARGES AN ANNUALLY ADJUSTED INTEREST RATE ON THE LOAN OF NOT MORE THAN 250 BASIS POINTS OVER THE INTEREST RATE OF 1 YEAR U.S. TREASURY BILLS QUOTED THE DAY THE APPLICATION IS CLOSED, AND THE SAME DATE EACH YEAR THEREAFTER.~~ IF BOTH THE LENDER AND THE APPLICANT AGREE, THE INTEREST RATE ON THE STATE GUARANTEE LOAN CAN BE CONVERTED TO A FIXED INTEREST RATE AT ANY TIME DURING THE TERM OF THE LOAN; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

3) agrees to pay to the Authority an annual fee equal to 25 basis points on the loan and any other necessary and ordinary administrative expenses in excess of the 25 basis points as determined from time to time pursuant to the Act and this Part;

4) AGREES TO COMPLETE AND CERTIFY THAT, TO THE BEST OF THE LENDER'S KNOWLEDGE, ALL INFORMATION IS TRUE AND CORRECT ON THE APPLICATION, BALANCE SHEETS, SECURITY ANALYSIS, CASH FLOW PROJECTION AND ANY OTHER DOCUMENTS THAT THE AUTHORITY MAY REQUEST; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

5) IDENTIFIES COLLATERAL ACCEPTABLE TO THE AUTHORITY IN ACCORDANCE WITH SUBSECTION (h) THAT IS AT LEAST EQUAL TO THE STATE GUARANTEE LOAN REQUEST; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

6) ASSUMES ALL RESPONSIBILITY AND COSTS FOR PURSUING LEGAL ACTION ON COLLECTING ANY LOAN THAT IS DELINQUENT OR IN

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

DEFAULT SUBJECT TO CONSULTING THE AUTHORITY; (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

7) ASSUMES RESPONSIBILITY FOR AND AGREES TO ABSORB THE FIRST 15% LOSS OF THE OUTSTANDING PRINCIPAL OF THE NOTE FOR WHICH THE STATE GUARANTEE HAS BEEN APPLIED ~~ASSUMES RESPONSIBILITY AND COSTS FOR PURSUING LEGAL ACTION ON COLLECTING ANY LOAN THAT IS DELINQUENT OR IN DEFAULT SUBJECT TO CONSULTING THE AUTHORITY~~; (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

8) ASSUMES RESPONSIBILITY FOR PROCEEDING WITH THE COLLECTING AND DISPOSING OF COLLATERAL ON THE STATE GUARANTEE WITHIN 14 MONTHS OF THE DATE THAT THE LOAN IS DECLARED DELINQUENT; PROVIDED, HOWEVER, THAT THE LENDER SHALL NOT COLLECT OR DISPOSE OF COLLATERAL ON THE STATE GUARANTEE WITHOUT THE EXPRESS WRITTEN PRIOR APPROVAL OF THE AUTHORITY. Approval shall be granted if the collateral is disposed of in a reasonably commercial manner, based on the manner, time and place of the sale, the purchase price and the purchaser. IN THE EVENT THAT THE LENDER FAILS TO DISPOSE OF THE COLLATERAL WITHIN 14 MONTHS, THE LENDER SHALL REPAY TO THE STATE INTEREST ON THE STATE GUARANTEE AT THE SAME RATE AS THE LENDER CHARGES ON THE LOAN; PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL EXTEND THE 14-MONTH PERIOD FOR A LENDER IN THE CASE OF BANKRUPTCY OR EXTENUATING CIRCUMSTANCES WHICH PREVENT THE LENDER FROM LIQUIDATING THE COLLATERAL. THE LENDER SHALL REPAY THIS INTEREST TO THE STATE UNTIL THE COLLATERAL FOR THE STATE GUARANTEE HAS BEEN LIQUIDATED AND THE STATE HAS BEEN REIMBURSED. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1) If the lender fails to repay the State the interest as outlined herein, the Authority shall turn the matter over to the Attorney General's office for appropriate legal action;

9) AGREES THAT THE AUTHORITY HAS FINAL APPROVAL ON THE SALE OF ALL COLLATERAL FOR THE STATE GUARANTEE. AFTER THE SALE OF COLLATERAL, THE STATE SHALL BE REIMBURSED 85% OF THE REMAINING PRINCIPAL AMOUNT OF THE STATE GUARANTEE LOAN. IF FUNDS FROM THE SALE OF COLLATERAL REMAIN AFTER THIS PAYMENT, THE LENDER SHALL BE REIMBURSED 15% OF THE REMAINING PRINCIPAL AMOUNT OF THE LOAN. IF EXCESS FUNDS REMAIN AFTER PAYING THE REMAINING PRINCIPAL TO THE STATE AND LENDER, THEN THE STATE AND LENDER SHALL BE REPAID INTEREST ON A PRORATED BASIS; 85% OF SUCH EXCESS FUNDS SHALL BE ALLOCATED TO THE STATE'S PORTION AND 15% SHALL BE ALLOCATED TO THE LENDER'S PORTION. IF EXCESS FUNDS EXIST AFTER REPAYING BOTH THE STATE AND THE LENDER, THEY SHALL BE PAID BACK TO THE FARMER. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

g) Review and Revocation.

1) The Lender and the Authority shall each, on an annual basis, review State Guarantees for any purpose including, but not limited to, present collateral value, timeliness of payments made by the farmer or any other purposes reasonably calculated to aid in determining the farmer's present and projected repayment capacity. IF THE AUTHORITY DETERMINES THAT THE EXISTING COLLATERAL IS INSUFFICIENT TO COVER THE STATE'S LIABILITY, ADDITIONAL COLLATERAL MAY BE REQUIRED. IF THE APPLICANT FAILS TO PLEDGE SUCH ADDITIONAL COLLATERAL, THE STATE GUARANTEE MAY BE REVOKED. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

2) NO STATE GUARANTEE SHALL BE REVOKED BY THE LENDER OR AUTHORITY DURING THE FIRST 3 YEARS OF THE DATE ON WHICH THE APPLICATION IS CLOSED FOR ANY REASON EXCEPT DEFAULTS ON PAYMENTS OR INSUFFICIENT COLLATERAL. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

3) Except as otherwise provided in the Act or this Part, a State Guarantee may be revoked by the lender or Authority upon a 90-day written notice to all parties specifying the reasons for such revocation (e.g., submission of false documentation, changing loan documents, and change of state residency).

4) AFTER THE FIRST 3 YEARS OF THE SGP, THE LENDER MAY REVIEW AND WITHDRAW OR CONTINUE WITH THE SGP. IF A LENDER UNDERTAKES SUCH A REVIEW, IT MUST PROVIDE ALL PARTIES WITH WRITTEN NOTIFICATION OF ITS DECISION WHETHER TO WITHDRAW OR CONTINUE. SUCH NOTIFICATION MUST BE PROVIDED ON OR BEFORE THE DATE ON WHICH PAYMENT IS DUE. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.1)

5) The applicant must make all payments on the State Guarantee within 90 days of the stated payment date. Failure to make payments on or before their due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire State Guarantee Loan. The State Guarantee cannot be reinstated after the 90-day delinquency period.

h) Valuation of Collateral. The value of collateral shall be determined by a qualified farmland appraiser. A qualified appraiser is

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

one who is qualified by virtue of membership in the Illinois Society of Farm Managers and Appraisers, or one whose qualifications have been reviewed by the Authority. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State's liability and may appoint an independent appraiser to aid in its determination on the sufficiency of the collateral. The Authority will view real estate as the primary collateral on SGP loans, with machinery and equipment and breeding livestock to be used as secondary collateral, except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The Authority may, among other things, take a mortgage or lien on land or other assets to cover the State's liability. Collateral may be transferred only upon written approval by the Authority and the lender.

i) Fund. To implement and carry out the objectives of the SGP, the Fund has been created as a special Fund outside of the State Treasury.

1) THE AUTHORITY MAY REQUEST TRANSFER OF NOT MORE THAN $40,000,000 TO THE FUND DURING THE SGP, TO SECURE STATE GUARANTEES ISSUED PURSUANT TO THIS SECTION. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

2) IN NO EVENT WILL THE STATE BE LIABLE FOR MORE THAN $40,000,000 TO SECURE STATE GUARANTEES ISSUED PURSUANT TO THIS SECTION. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

3) IF A FARMER DEFAULTS ON A LOAN SECURED BY A STATE GUARANTEE, AFTER 90 DAYS OF DELINQUENCY THE LENDER SHALL REQUEST PAYMENTS ON THE LOAN TO BE MADE BY THE FUND. THE AUTHORITY SHALL DIRECT A SINGLE PAYMENT EQUAL TO 85% OF THE REMAINING PRINCIPAL PLUS INTEREST AT THE SET RATE FROM THE DATE OF DELINQUENCY UNTIL THE DATE OF PAYMENT BY THE AUTHORITY. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

4) THE FUND SHALL BE REIMBURSED FOR ANY AMOUNT PAID UNDER THIS SUBSECTION UPON LIQUIDATION OF COLLATERAL WHICH THE LENDER SHALL SEIZE AND CONVERT TO CASH IN A REASONABLY COMMERCIAL MANNER. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

j) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.

k) Guarantors and Additional Collateral. An applicant for a State Guarantee Loan may have a guarantor co-sign the note and/or pledge

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

additional collateral for the State Guarantee Loan if the lender and Authority determine that the applicant alone cannot provide sufficient collateral for the State Guarantee.

l) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owed on the State Guarantee Loan to the holder of the State Guarantee. The payment shall be made by the Authority to the holder of the State Guarantee within 30 days after an appropriate request by a lender certifying that the 90-day delinquency period has elapsed. The payment shall include 85% of past due interest and 85% of the remaining principal.

~~m) Interest Rate Adjustment. THE INTEREST RATE ON THE STATE GUARANTEE SHALL BE ADJUSTED ANNUALLY, ON THE PAYMENT DATE OF THE STATE GUARANTEE LOAN, TO REFLECT THAT RATE EQUAL TO 250 BASIS POINTS OVER THE RATE FOR 1 YEAR TREASURY BILLS FOR THAT DATE. (Ill. Rev. Stat. 1985, ch. 5, par. 1212.1)~~

m) Prepayment of Loans. Each loan shall be paid on an annual basis with one payment due each year on the date on which the loan was closed for a period of ten years or until the loan is repaid, whichever occurs first. The State Guarantee Loan may be prepaid in full or in part at any time the loan is outstanding without penalty.

n) Assumption of Loans. No State Guarantee Loan may be assumed by any entity unless specifically authorized by the Authority. Such authorization will be granted only in extraordinary cases (e.g., death or serious illness of the applicant with assumption by an immediate family member).

o) Total Obligations Through the SGP. The Authority shall guarantee up to $140,000,000 in loans through the SGP. The Illinois Agriculture Loan Guarantee Fund shall be funded with $40,000,000 to cover any losses.

(Source: Amended at 13 Ill. Reg. 2440, effective February 10, 1989)

Section 1400.149 Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries

a) General Description of Program. The State Guarantee Program for Agri-Industries (SGPAI) was created to encourage diversification and vertical integration of Illinois agriculture. It is designed to assist the farmer/agribusiness by spreading out his debt over a longer term at a reduced interest rate. The provisions of this Section 1400.149 of this Part are applicable only to the SGPAI,

and the provisions of Sections 1400.130, 1400.140, 1400.145, 1400.147 and 1400.148 of this Part are inapplicable to the SGPAI and procedures provided for pursuant to this Section.

b) Definitions Applicable to the SGPAI Only.

"AGRIBUSINESS" MEANS ANY SOLE PROPRIETORSHIP, LIMITED PARTNERSHIP, CO-PARTNERSHIP, JOINT VENUTRE, CORPORATION OR COOPERATIVE WHICH OPERATES OR WILL OPERATE A FACILITY LOCATED WITHIN THE STATE OF ILLINOIS THAT IS RELATED TO THE PROCESSING OF AGRICULTURAL COMMODITIES (INCLUDING, WITHOUT LIMITATION, THE PRODUCTS OF AQUACULTURE, HYDROPONICS AND SILVICULTURE) OR THE MANUFACTURING, PRODUCTION OR CONSTRUCTION OF AGRICULTURAL BUILDINGS, STRUCTURES, EQUIPMENT, IMPLEMENTS, AND SUPPLIES, OR ANY OTHER FACILITIES OR PROCESSES USED IN AGRICULTURAL PRODUCTION. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1202)

"Applicant" means a farmer/agribusiness whose application for a State Guarantee has been submitted to the Authority by a lender.

"FARMER" MEANS A RESIDENT OF ILLINOIS WHO IS A PRINCIPAL OPERATOR OF A FARM OR LAND, AT LEAST 50% OF WHOSE ANNUAL GROSS INCOME IS DERIVED FROM FARMING, WHOSE ANNUAL TOTAL SALES OF AGRICULTURAL PRODUCTS, COMMODITIES OR LIVESTOCK EXCEEDS $20,000 AND WHOSE NET WORTH DOES NOT EXCEED $500,000. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on SGPAI loans.

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 U.S.C. 61).

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as described by the Authority.

c) Applicant Eligibility Requirements

1) Farmer. To qualify for participation each farmer must:

A) MAINTAIN HIS PRINCIPAL RESIDENCE IN THE STATE;

B) be at least eighteen (18) years of age at the time of application;

C) BE THE PRINCIPAL OPERATOR OF THE FARMING BUSINESS FOR WHICH THE FUNDS GUARANTEED BY THE <u>STATE GUARANTEE</u> ~~SGP~~ ARE TO BE USED; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

D) BE ABLE TO SHOW, BASED UPON HIS/HER MOST RECENT FEDERAL INCOME TAX RETURN AND/OR CURRENT DATA, A GROSS FARM INCOME OF $20,000 OR MORE; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

E) BE ABLE TO SHOW, BASED UPON HIS/HER MOST RECENT FEDERAL INCOME TAX RETURN AND/OR CURRENT DATA, THAT AT LEAST 50% OF HIS/HER ANNUAL GROSS INCOME IS DERIVED FROM FARMING; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

F) BE ABLE TO SHOW THAT HE/SHE HAS A NET WORTH OF $500,000 OR LESS. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

2) Agribusiness. To qualify for participation each agribusiness must:

A) be located in Illinois;

B) use agricultural products which are now grown or raised in Illinois, or which will be grown or raised in Illinois.

3) Joint Requirements. To qualify for participation each applicant must:

A) PROMOTE DIVERSIFICATION OF THE FARM ECONOMY OF THIS STATE THROUGH THE GROWTH AND DEVELOPMENT OF NEW CROPS OR LIVESTOCK NOT CUSTOMARILY GROWN OR PRODUCED IN THIS STATE OR WHICH EMPHASIZE A VERTICAL INTEGRATION OF GRAIN OR LIVESTOCK PRODUCED OR RAISED IN THIS STATE INTO A FINISHED PRODUCT FOR CONSUMPTION OR USE. "NEW CROPS OR LIVESTOCK NOT CUSTOMARILY GROWN OR PRODUCED IN THIS STATE" SHALL NOT INCLUDE CORN, SOYBEANS, WHEAT, SWINE OR BEEF OR DAIRY CATTLE. "VERTICAL INTEGRATION OF GRAIN OR LIVESTOCK PRODUCED OR RAISED IN THIS STATE" SHALL INCLUDE ANY NEW OR EXISTING GRAIN OR LIVESTOCK GROWN OR PRODUCED IN THIS STATE; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

B) provide sufficient collateral to secure the entire loan at the time of application and agree to keep the loan ~~State Guarantee~~ collateralized in the future;

C) agree to make all payments on the State Guarantee within 90 days of the stated payment date. If any ~~the~~ payment is not made within said 90 day period, then the total outstanding principal and interest on the entire State Guarantee loan are due and payable immediately. The State Guarantee loan cannot be reinstated after the 90 day delinquency period.

d) Limitations

1) THE TERM OF THE SGPAI LOAN SHALL NOT EXCEED 15 YEARS. THE MAXIMUM LOAN SHALL BE $300,000 PER FARMER AND SHALL BE DETERMINED ON A CASE BY CASE BASIS FOR AN AGRIBUSINESS, BASED ON ITS DEBT SERVICING ABILITY. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.~~4~~2)

2) ONLY ONE STATE GUARANTEE SHALL BE MADE TO ANY ONE FARMER, FARMING OPERATION OR AGRIBUSINESS, EXCEPT THAT ADDITIONAL STATE GUARANTEES MAY BE MADE FOR PURPOSES OF EXPANSION OF PROJECTS FINANCED BY A PREVIOUSLY ISSUED STATE GUARANTEE. Eligibility for additional guarantees will be determined in accordance with Section 1400.149. If applicants file separate schedule F's, then they will be considered to operate separate farming operations. (Ill. Rev. Stat. 1987, ch. 5, par. 1212.2)

e) Application Procedures and Review.

1) Lenders interested in the SGPAI must complete a Letter of Interest and return it to the Authority's office in Springfield, Illinois. After the Letter of Interest has been received by the Authority, the lender will be placed on the mailing list for the State Guarantee Program. If the lender has already signed a letter for the State Guarantee Program for Restructuring Agricultural Debt, a new Letter of Interest is not required.

2) THE LENDERS SHALL APPLY ON FORMS PROVIDED BY THE AUTHORITY FOR STATE GUARANTEES. THE APPLICATION SHALL AT A MINIMUM CONTAIN THE FARMER'S OR AGRIBUSINESS' NAME, ADDRESS, PRESENT CREDIT AND FINANCIAL INFORMATION, INCLUDING CASH FLOW STATEMENTS, FINANCIAL STATEMENTS, BALANCE SHEETS AND ANY OTHER INFORMATION PERTINENT TO THE APPLICATION AND THE COLLATERAL TO BE USED TO SECURE THE STATE GUARANTEE, such as feasibility studies, purchase contracts or sales contracts. (Ill. Rev. Stat. 1985~~7~~, ch. 5, par. 1212.~~4~~2)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

3) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute; upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee loan will be considered closed.

4) The lender shall certify that all information contained on the application, balance sheets, security analyses, cash flow projections and feasibility studies is correct, and shall be liable to the Authority for any damages suffered by an incorrect or untrue statement contained in any certified application.

5) The application period for the SPGAI shall commence immediately upon the determination that these Rules are properly filed with the Office of the Secretary of State and end when the Authority has issued State Guarantees equal to $35,000,000 or at any later time as may be set from time to time by legislative extension.

6) Following the submission of the Guarantee application by the lender, the Authority shall review the application. The Authority's review will include whether the applicant is an eligible farmer or agribusiness and whether the lender has complied with the requirements of Section 1400.149(f) of this Part. The Authority's review will also include evaluation of such factors as collateral, percentage of loan, debt to asset ratio, cash flow, and other information submitted by the applicant.

7) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete pursuant to subsection (e)(2), and whether it meets the criteria established by the Act and this Part:

A) If the Executive Director determines that the loan application is incomplete, he/she shall within fourteen (14) days of such determination inform the lender and the applicant of such determination and detail the information or material that is necessary to complete the application. For the purpose of Section 1400.149(j) of this Part, no application shall be

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

deemed complete until the lender or applicants have provided the additional information or material requested by the Executive Director.

B) When the Executive Director has completed his/her review of the Guarantee application, he/she shall present the application with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on such factors as collateral, percentage of loan, debt to asset ratio, cash flow and other information submitted by the applicant.

8) The Board shall review each loan application presented by the Executive Director using the criteria in subsection(e)(6), and the Board shall;

A) approve the application and provide the Guarantee pursuant to the Act and this Part, or

B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.

9) Each applicant shall pay a $400.00 application fee which will be submitted to the lender at the time of the application. Of this $400.00 application fee, the Authority shall be paid $300.00 at the time the State Guarantee loan application is filed. The lender shall receive the remaining $100.00 for administrative expenses. At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee loan amount. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses incurred in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee loan amount. The Authority shall credit the $400.00 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases and financing statements, insurance for secondary market issues and any similar fees necessary for closing and maintaining the State Guarantee or selling it into the secondary market.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

10) If the application is denied, the applicant and the lender may file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application. This Request for Reconsideration must be filed with the Authority not later than twenty-one (21) days after denial and should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request at its next scheduled meeting. The review will be based on the criteria established in subsection (e)(6). Based on the review, the Board shall approve or deny the Request for Reconsideration. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request shall be deemed complete for the purposes of the subsection (j) of this Section.

f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:

1) CHARGES A FIXED OR ADJUSTABLE INTEREST RATE WHICH IS BELOW THE MARKET RATE OF INTEREST GENERALLY AVAILABLE TO THE BORROWER. The market rate of interest is that rate which would be charged by the same lender for the same project without the State Guarantee. ~~CHARGES AN ANNUALLY ADJUSTED INTEREST RATE ON THE LOAN OF NOT MORE THAN 250 BASIS POINTS OVER THE INTEREST RATE OF ONE YEAR U.S. TREASURY BILLS QUOTED THE DAY THE STATE GUARANTEE LOAN IS CLOSED, AND THE SAME DATE EACH YEAR THEREAFTER.~~ IF BOTH THE LENDER AND THE BORROWER AGREE, THE INTEREST RATE ON THE STATE GUARANTEE LOAN CAN BE CONVERTED TO A FIXED RATE AT ANY TIME DURING THE TERM OF THE LOAN; (Ill. Rev. Stat. 1985, ch. 5, par. 1212.42)

2) AGREES TO PAY THE AUTHORITY AN ANNUAL FEE EQUAL TO 25 BASIS POINTS ON THE LOAN AND ANY OTHER NECESSARY EXPENSES FOR MAINTAINING THE STATE GUARANTEE; (Ill. Rev. Stat. 1985, ch. 5, par. 1212.1)

3) agrees to complete and certify that, to the best of his knowledge, all information is true and correct on the application, cash flow statements, financial statements, balance sheets and any other information pertinent to the application;

4) identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State Guarantee loan request;

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

5) ASSUMES ALL RESPONSIBILITY AND COSTS FOR PURSUING LEGAL ACTION ON COLLECTING ANY LOAN THAT IS DELINQUENT OR IN DEFAULT SUBJECT TO CONSULTING WITH THE AUTHORITY; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

6) ASSUMES RESPONSIBILITY FOR AND AGREES TO ABSORB THE FIRST 15% LOSS OF THE OUTSTANDING PRINCIPAL OF THE NOTE FOR WHICH THE STATE GUARANTEE HAS BEEN APPLIED; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.1)

7) ASSUMES RESPONSIBILITY FOR PROCEEDING WITH THE COLLECTING AND DISPOSING OF COLLATERAL ON THE STATE GUARANTEE WITHIN 14 MONTHS OF THE DATE THAT THE LOAN IS DECLARED DELINQUENT; PROVIDED, HOWEVER, THAT THE LENDER SHALL NOT COLLECT OR DISPOSE OF COLLATERAL ON THE STATE GUARANTEE WITHOUT THE EXPRESS WRITTEN PRIOR APPROVAL OF THE AUTHORITY. APPROVAL WILL BE GRANTED IF THE COLLATERAL IS DISPOSED OF IN A REASONABLY COMMERCIAL MANNER BASED ON THE MANNER, TIME AND PLACE OF THE SALE, THE PURCHASE PRICE AND THE PURCHASER. IN THE EVENT THAT THE LENDER FAILS TO DISPOSE OF THE COLLATERAL WITHIN 14 MONTHS, THE LENDER SHALL REPAY TO THE STATE INTEREST ON THE STATE GUARANTEE AT THE SAME RATE AS THE LENDER CHARGES ON THE LOAN; PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL EXTEND THE 14 MONTH PERIOD FOR A LENDER IN THE CASE OF BANKRUPTCY OR EXTENUATING CIRCUMSTANCES WHICH PREVENT THE LENDER FROM LIQUIDATING THE COLLATERAL. THE LENDER SHALL REPAY THIS INTEREST TO THE STATE UNTIL THE COLLATERAL FOR THE STATE GUARANTEE HAS BEEN LIQUIDATED AND THE STATE HAS BEEN REIMBURSED. If the lender fails to repay the State the interest as outlined herein, the Authority shall turn the matter over to the Attorney Genereral's office for appropriate legal action; (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

8) agrees that after the sale of collateral, the State shall be reimbursed 85% of the remaining principal amount of the State Guarantee loan. If funds from the sale of the collateral remain after this payment, the lender shall be reimbursed 15% of the remaining principal amount of the loan. If excess funds remain after paying the <u>remaining</u> principal to the State and ~~the~~ lender, then the <u>State</u> and lender shall be repaid interest on a pro-rated basis; 85% of <u>such excess</u> ~~remaining~~ funds <u>shall be allocated</u> to the <u>State's portion</u> and 15% to the <u>lender's portion</u>. If excess funds exist after repaying both the <u>State and</u> the lender, these funds shall be paid to the borrower.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

g) Review and Revocation.

1) The SGPAI loan shall be reviewed annually by the Lender and the Authority for review of collateral value and performance by the borrower. If the Authority determines that the existing collateral is insufficient to cover the State's liability, additional collateral will be requested. If the borrower fails to pledge such additional collateral, the State Guarantee may be revoked. The determination of whether to revoke the State Guarantee will be based on the borrower's ability to service the debt. If the Authority calls the State Guarantee, the holder of the Guarantee will be paid 85% of the outstanding principal and interest balance and the borrower will be liable to reimburse the State.

2) A State Guarantee may be revoked by the lender or the Authority upon a 90-day written notice to all parties specifying the reasons for such revocation (e.g., submission of false documents, changing loan documents or change of State residency).

3) IF AN INTEREST RATE IS VARIABLE, A LENDER MAY NOT WITHDRAW FROM A SGPAI LOAN FOR ANY REASON EXCEPT FOR LACK OF PERFORMANCE ON THE BORROWER'S PART OR INSUFFICIENT COLLATERAL. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

4) AFTER THE FIRST FIVE YEARS OF THE SGP, A LENDER WHOSE LOAN CONTRACT PROVIDES FOR AN INTEREST RATE THAT SHALL NOT VARY MAY REVIEW THE SGP LOAN AND DETERMINE TO WITHDRAW OR CONTINUE. IF A LENDER UNDERTAKES SUCH A REVIEW, IT MUST PROVIDE WRITTEN NOTIFICATION OF ITS DECISION WHETHER TO WITHDRAW OR CONTINUE. SUCH NOTIFICATION MUST BE PROVIDED ON OR BEFORE THE DATE ON WHICH PAYMENT IS DUE. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

5) The applicant must make all payments within 90 days of the stated payment date. Failure to make <u>any</u> payments on or before <u>its</u> ~~their~~ due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest balances on the <u>SGPAI loan</u> ~~SGP~~ shall become due and payable. The State Guarantee cannot be reinstated after the 90-day delinquency period.

h) Valuation of Collateral. The value of collateral shall be determined by a qualified appraiser. A qualified appraiser is one who is qualified by virtue of membership in the Illinois Society of

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Farm Managers and Appraisers or one whose qualifications have been reviewed by the Authority. The Authority will consider an appraiser qualified who has at least three years experience appraising farmland. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State Guarantee loan and may appoint an independent appraiser to aid in its determination. The Authority will view real estate as the primary collateral on SGPAI loans. Machinery and equipment and breeding livestock will be used only as secondary collateral except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The applicant shall be liable to pay for all appraisal fees which are incurred when the value of the collateral is established.

i) FUND. TO IMPLEMENT AND CARRY OUT THE OBJECTIVES OF THE SGPAI, THE FUND HAS BEEN CREATED AS A SPECIAL FUND OUTSIDE OF THE STATE'S TREASURY.

1) THE AUTHORITY MAY REQUEST TRANSFER OF NO MORE THAN $10,000,000 TO THE FUND DURING THE SGPAI. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

2) IN NO EVENT WILL THE STATE BE LIABLE FOR MORE THAN $10,000,000 TO SECURE STATE GUARANTEES ISSUED PURSUANT TO THIS SECTION. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

3) IF A BORROWER DEFAULTS ON A LOAN SECURED BY A STATE GUARANTEE, THE LENDER SHALL AFTER 90 DAYS REQUEST THAT PAYMENT ON THE LOAN BE MADE BY THE FUND. THE AUTHORITY SHALL DIRECT A SINGLE PAYMENT EQUAL TO 85% OF THE OUTSTANDING PRINCIPAL PLUS INTEREST ACCRUED SINCE THE DATE PAYMENT WAS DUE. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

4) UPON LIQUIDATION OF COLLATERAL, THE FUND SHALL BE REIMBURSED FOR ANY AMOUNT PAID UNDER THIS SUBSECTION. (Ill. Rev. Stat. 1985<u>7</u>, ch. 5, par. 1212.2)

j) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents.

k) Guarantors and Additional Collateral. An applicant for a State Guarantee loan may have a guarantor co-sign the note and/or pledge additional collateral for the State Guarantee loan if the lender and the Authority determine that the applicant alone cannot provide sufficient collateral.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

1) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal <u>and</u> ~~plus the~~ interest owed on the State Guarantee to the holder of the State Guarantee within 30 days of receiving an appropriate request from the lender certifying that the 90-day delinquency period has elapsed.

~~m) Interest Rate Adjusted. THE INTEREST RATE ON THE STATE GUARANTEE SHALL BE ADJUSTED ANNUALLY ON THE PAYMENT DATE OF THE STATE GUARANTEE LOAN TO REFLECT AN INTEREST RATE NOT EXCEEDING 250 BASIS POINTS OVER THE 1 YEAR TREASURY BILL RATE FOR THAT DATE. (Ill. Rev. Stat. 1985, ch. 5, par. 1212.2)~~

<u>m</u>) Prepayment of Loan. <u>The frequency of payments due on a SGPAI loan shall be determined on a case by case basis. Payment schedules will be tailored to match the operation's income.</u> ~~Each loan shall be paid on an annual basis with one payment due each year on the date of closing for the term of the loan.~~ The loan may be prepaid in full or in part without penalty at any time during the term of the loan.

<u>n</u>) Assumption of Loans. State Guarantee loans may not be assumed except with the approval of the Authority Board of Directors. Approval will be granted only in unusual circumstances such as death of the borrower with assumption by a family member.

<u>o</u>) Total Obligations Through the SGPAI. The Authority shall guarantee up to $35,000,000 in loans through the SGPAI. The Illinois Farmer and Agribusiness Loan Guarantee <u>Fund</u> shall be funded with $10,000,000 to cover any losses.

(Source: Amended at <u>13</u> Ill. Reg. <u>2440</u>, effective <u>February 10, 1989</u>)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Pretreatment Programs

2) Code Citation: 35 Ill. Adm. Code 310

3) Section Numbers: Adopted Action:

310.107	Amendment
310.110	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3.

5) Effective Date of Amendments: January 31, 1989

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this Amendment contain incorporations by reference?

Yes. This Part incorporates federal regulations by reference. Section 13.3 of the Environmental Protection Act provides that Section 6.02 of the APA does not apply to this rulemaking.

8) Date filed in Board's Principal Office: Order of December 15, 1988

9) Notice of Proposal Published in Illinois Register:

October 14, 1988; 12 Ill. Reg. 16384

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3) provides that this rulemaking is not subject to Section 5 of the APA. It is therefore not subject to second notice review by JCAR.

11) Differences between proposal and final version:

Minor editorial corrections.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3) provides that this rulemaking is not subject to Section 5 of the APA. It is therefore not subject to second notice review by JCAR.

13) Will this Amendment replace an emergency Amendment currently in effect? No.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of December 15, 1988 in R88-18, which Opinion is available from the address below.

This proposal amends the Board's pretreatment rules, which govern discharges by industrial users to publicly owned treatment works (POTWs). The rules are intended to prevent industrial discharges from passing through POTW treatment plants, without adequate treatment, to waters of the State, and to prevent industrial discharges from interfering with the operation of the treatment plant. The Board's pretreatment rules are contained in 35 Ill. Adm. Code 307 and 310. This rulemaking updates the pretreatment rules to correspond with amendments to the USEPA pretreatment rules during the period 1/1/88 through 6/30/88.

The amendments mainly update incorporations by reference and statutory references. The State has been added as an entity which may own a POTW.

16) Information and questions regarding this adopted Amendment shall be directed to:

Morton F. Dorothy
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801
217/ 333-5575

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 310
PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
310.101 Applicability
310.102 Objectives
310.103 Federal Law
310.104 State Law
310.105 Confidentiality
310.107 Incorporations by Reference
310.110 Definitions

SUBPART B: PRETREATMENT STANDARDS

Section
310.201 General Prohibitions
310.202 Specific Prohibitions
310.210 Specific Limits Developed by POTW
310.211 Local Limits
310.220 Categorical Standards
310.221 Category Determination Request
310.222 Deadline for Compliance with Categorical Standards
310.230 Concentration and Mass Limits
310.232 Dilution
310.233 Combined Wastestream Formula

SUBPART C: REMOVAL CREDITS

Section
310.301 Special Definitions
310.302 Authority
310.303 Conditions for Authorization to Grant Removal Credits
310.310 Calculation of Revised Discharge Limits
310.311 Demonstration of Consistent Removal
310.312 Provisional Credits
310.320 Compensation for Overflow
310.330 Exception to POTW Pretreatment Program
310.340 Application for Removal Credits Authorization
310.341 Agency Review
310.343 Assistance of POTW
310.350 Continuation of Authorization
310.351 Modification or Withdrawal of Removal Credits

SUBPART D: PRETREATMENT PERMITS

Section
310.400 Preamble

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

310.401 Pretreatment Permits
310.402 Time to Apply
310.403 Imminent Endangerment
310.410 Application
310.411 Certification of Capacity
310.412 Signatures
310.413 Site Visit
310.414 Completeness
310.415 Time Limits
310.420 Standard for Issuance
310.421 Final Action
310.430 Conditions
310.431 Duration of Permits
310.432 Schedules of Compliance
310.441 Effect of a Permit
310.442 Modification
310.443 Revocation
310.444 Appeal

SUBPART E: POTW PRETREATMENT PROGRAMS

Section
310.501 Pretreatment Programs Required
310.502 Deadline for Program Approval
310.503 Incorporation of Approved Programs in Permits
310.504 Incorporation of Compliance Schedules in Permits
310.505 Reissuance or Modification of Permits
310.510 Pretreatment Program Requirements
310.521 Program Approval
310.522 Contents of Program Submission
310.524 Content of Removal Allowance Submission
310.531 Agency Action
310.532 Defective Submission
310.533 Water Quality Management
310.541 Deadline for Review
310.542 Public Notice and Hearing
310.543 Agency Decision
310.544 USEPA Objection
310.545 Notice of Decision
310.546 Public Access to Submission
310.547 Appeal

SUBPART F: REPORTING REQUIREMENTS

Section
310.601 Definition of Control Authority
310.602 Baseline Report
310.603 Compliance Schedule
310.604 Report on Compliance with Deadline
310.605 Periodic Reports on Compliance
310.606 Notice of Slug Loading

310.610 Monitoring and Analysis
310.621 Compliance Schedule for POTW's
310.631 Signatory Requirements for Industrial User Reports
310.632 Signatory Requirements for POTW Reports
310.633 Fraud and False Statements
310.634 Recordkeeping Requirements

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section
310.701 Definition of Requester
310.702 Purpose and Scope
310.703 Criteria
310.704 Fundamentally Different Factors
310.705 Factors which are Not Fundamentally Different
310.706 More Stringent State Law
310.711 Application Deadline
310.712 Contents of FDF Request
310.713 Deficient Requests
310.714 Public Notice
310.721 Agency Review of FDF Requests
310.722 USEPA Review of FDF Requests

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section
310.801 Net/Gross Calculation by USEPA

SUBPART I: UPSETS

Section
310.901 Definition
310.902 Effect of an Upset
310.903 Conditions Necessary for an Upset
310.904 Burden of Proof
310.905 Reviewability of Claims of Upset
310.906 User Responsibility in Case of Upset

AUTHORITY: Implementing and authorized by Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3).

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31 , 1989.

SUBPART A: GENERAL PROVISIONS

Section 310.107 Incorporations by Reference

a) The following publications are incorporated by reference:

The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833.

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.

b) The following provisions of the Code of Federal ~~,~~ Regulations are incorporated by reference:

40 CFR 2.302 ~~(1986)~~ (1987)

40 CFR 25 ~~(1986)~~ (1987)

40 CFR 122, Appendix D, Tables II and III ~~(1986)~~ (1987)

40 CFR 136 (1987)

40 CFR 403 ~~(1986)~~ (1987)

40 CFR 403, Appendix D ~~(1986)~~ (1987)

c) The following federal statutes are incorporated by reference:

Section 1001 of the Criminal Code (18 ~~USC~~ U.S.C. 1001) as of July 1, 1987

Clean Water Act~~,~~ (33 ~~USC~~ U.S.C. 1251 et seq.~~,~~) as of July 1, 1987

Subtitles C and D of the Resource Conservation and Recovery Act~~,~~ (42 ~~USC~~ U.S.C. 6901~~,~~) as of July 1, 1987

d) This Part incorporates no future editions or amendments.

(Source: Amended at 13 Ill. Reg. 2463, effective January 31 , 1989)

Section 310.110 Definitions

"Act" means the Environmental Protection Act~~,~~ as amended by P.A. 84-1320~~,~~ effective September 4~~,~~ 1986 (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, par. 1001 et seq.~~,~~ and ~~Ill. Rev. Stat. 1986 Supp.,~~ ch. ~~111 1/2,~~ par ~~1013.3~~)

"Agency" means the Illinois Environmental Protection Agency.

"Approval Authority" means the Agency.

BOARD NOTE: Derived from 40 CFR 403.3(c) ~~(1986)~~ (1987).

"Approved POTW Pretreatment Program" or "Program" or "POTW Pretreatment Program" means a program administered by a POTW which has been approved by the Agency in accordance with Sections 310.541 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.3(d) ~~-(1986)-~~(1987).

"Authorization to discharge" means an authorization issued to an industrial user by a POTW which has an approved pretreatment program. The authorization may consist of a permit, license, ordinance or other mechanism as specified in the approved pretreatment program.

"Blowdown" means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

BOARD NOTE: Derived from 40 CFR 401.11(p) ~~-(1986)-~~(1987).

"Board" means the Illinois Pollution Control Board.

"CWA" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(b) ~~-(1986)-~~(1987).

"Control authority" is as defined in Section 310.601.

"Indirect Discharge" or "Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the CWA (33 ~~USC~~ U.S.C. 1317(b), (c) or (d)).

BOARD NOTE: Derived from 40 CFR 403.3(g) ~~-(1986)-~~(1987).

"Industrial User" or "User" means a source of indirect discharge. As used in this Part, an "industrial user" includes any person who meets any of the following criteria:

Discharges toxic pollutants as defined by 35 Ill. Adm. Code 307.1005.

Is subject to a categorical standard adopted or incorporated by reference in 35 Ill. Adm. Code 307.

Discharges more than 15% of the total hydraulic flow received by the POTW treatment plant.

Discharges more than 15% of the total biological loading of the POTW treatment plant as measured by the 5-day biochemical oxygen demand.

Has caused pass through or interference. Or,

Has presented an imminent endangerment to the health or welfare of persons.

BOARD NOTE: Derived from 40 CFR 403.3(h) ~~-(1986)-~~(1987).

"Industrial wastewater" means waste of a liquid nature discharged by an industrial user to a sewer tributary to a POTW.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge disposal in compliance with any "sludge requirements."

BOARD NOTE: Derived from 40 CFR 403.3(i) ~~-(1986)-~~(1987).~~-, as amended at 52 Fed. Reg. 1600, January 14, 1987-~~

"Municipal sewage" is sewage treated by a POTW exclusive of its industrial component.

"Municipal sludge" is sludge produced a POTW treatment works.

"Municipality." See "unit of local government."

"New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the date specified in 35 Ill. Adm. Code 307 for that category or subcategory.

BOARD NOTE: Derived from 40 CFR 401.11(c) and 403.3(k) ~~-(1986)-~~(1987).

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

BOARD NOTE: Derived from 40 CFR 401.11(n) ~~-(1986)-~~(1987).

"Noncontact cooling water pollutants" means pollutants present in noncontact cooling waters.

BOARD NOTE: Derived from 40 CFR 401.11(o) ~~-(1986)-~~(1987).

"NPDES Permit" means a permit issued to a POTW pursuant to Section 402 of the CWA, or Section 12(f) of the Act and 35 Ill. Adm. Code 309.Subpart A.

BOARD NOTE: Derived from 40 CFR 403.3(l) ~~-(1986)-~~(1987).

"O and M" means operation and maintenance.

"Pass through" means a discharge of pollutants which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

BOARD NOTE: Derived from 40 CFR 403.3(n) ~~-(1986)-~~(1987).~~-, as amended at 52 Fed. Reg. 1600, January 14, 1987-~~

"Person" means an individual, corporation, partnership, association, State, "unit of local government" or any interstate body. This term includes the United States government, the State of Illinois and their political subdivisions.

BOARD NOTE: Derived from 40 CFR 401.11(m) ~~-(1986)-~~(1987) and 33 ~~-USC-~~U.S.C. 1362(5).

"Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into a sewer.

BOARD NOTE: Derived from 40 CFR 401.11(f) ~~-(1986)-~~(1987).

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

BOARD NOTE: Derived from 40 CFR 401.11(g) ~~-(1986)-~~(1987).

"POTW" means "Publicly Owned Treatment Works," which is defined below.

"POTW Treatment Plant" means that portion of the POTW which is

designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater.

BOARD NOTE: Derived from 40 CFR 403.3(p) ~~-(1986)-~~(1987).

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 310.232. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings which might interfere with or otherwise be imcompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 310.233.

BOARD NOTE: Derived from 40 CFR 403.3(q) ~~-(1986)-~~(1987).

"Pretreatment permit" means an authorization to discharge to a sewer which is issued by the Agency as the control authority.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

BOARD NOTE: Derived from 40 CFR 403.3(r) ~~-(1986)-~~(1987).

"Pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by USEPA, and incorporated by reference in 35 Ill. Adm. Code 307. This term includes prohibitive discharge limits established pursuant to Section 310.201 through 310.213 or 35 Ill. Adm. Code 307.1101. This term also includes more stringent prohibitions and standards adopted by the Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm. Code 307.1101, 307.1102 and 307.1103. The term also includes local limits pursuant to Section 310.211 which are a part of an approved pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.3(j) ~~-(1986)-~~(1987).

"Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 401.11(q) ~~-(1986)-~~(1987).

"Process wastewater pollutants" means pollutants present in process wastewater.

BOARD NOTE: Derived from 40 CFR 401.11(r) ~~-(1986)-~~(1987).

"Publicly owned treatment works" or "POTW" means a "treatment works" which is owned by the State of Illinois or a "unit of local government." This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the "unit of local government" which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

BOARD NOTE: Derived from 40 CFR 403.3(o) ~~-(1986)-~~(1987).

"Schedule of compliance" means a schedule of remedial measures included in an authorization to discharge or a pretreatment permit, or an NPDES permit, including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with this Part and 35 Ill. Adm. Code 307. A schedule of compliance does not protect an industrial user or POTW from enforcement.

BOARD NOTE: Derived from 40 CFR 401.11(m) ~~-(1986)-~~(1987) and 33 ~~-USC-~~U.S.C. 1362(17).

"Sludge requirements" means any of the following permits or regulations: 35 Ill. Adm. Code 309.208 (Permits for Sites Receiving Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste Permits), the Toxic Substances Control Act (15 ~~-USC-~~U.S.C. 2601) or the Marine Protection, Research and Sanctuaries Act (33 ~~-USC-~~U.S.C. 1401).

BOARD NOTE: Derived from 40 CFR 403.3(i) ~~-(1986)-~~(1987)~~-, as amended at 52 Fed. Reg. 1600, January 14, 1987,-~~ and 403.7(a) ~~-(1986)-~~(1987).

"Submission" means a request to the Agency by a POTW for approval of a pretreatment program, or for authorization to grant removal credits.

BOARD NOTE: Derived from 40 CFR 403.3(t) ~~-(1986)-~~(1987).

"Treatment works" is as defined in 33 ~~-USC-~~U.S.C. 1292(2) ~~-(1986)-~~(1987). It includes any devices and systems used in the storage,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

treatment, recycling and reclamation of municipal or industrial wastewater to implement 33 ~~-USC-~~U.S.C. 1281, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment.

BOARD NOTE: Derived from 40 CFR 403.3(o) ~~-(1986)-~~(1987) and 33 ~~-USC-~~U.S.C. 1292(2).

"Unit of local government" means a unit of local government, as defined by Art. 7, Sec. 1 of the Illinois Constitution, having jurisdiction over disposal of sewage. "Unit of local government" includes, but is not limited to, municipalities and sanitary districts.

BOARD NOTE: Derived from 40 CFR 401.11(m) ~~-(1986)-~~(1987) and 33 ~~-USC-~~U.S.C. 1362(4).

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 13 Ill. Reg. 2463, effective January 31, 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Adopted Action:

140.400	Amendment
140.441	Amendment
140.443	Amendment
140.445	Amendment
140.447	Amendment

4) Statutory Authority: Section 5-5 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Par. 5-5)

5) Effective Date of Amendments: February 14, 1989

6) Does this rulemaking contain an automatic repeal date?
___Yes X No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 14, 1989

9) Notice of Proposal Published in Illinois Register: October 28, 1988 (12 Ill. Reg. 17172)

10) Has JCAR issued a Statement of Objections to these rules? Yes

A) Statement of Objection: January 27, 1989
(13 Ill. Reg. 1263)

B) Agency Response: February 24, 1989
(13 Ill. Reg. 2538)

C) Date Agency Response Submitted for Approval to JCAR: February 7, 1989

11) Differences between proposal and final version: The following differences between the proposed and the final rulemaking have been made.

1. To change the word "a" after "minus" to "the" and to add "(as set forth in subsection 140.445(b)(2))" after "list" in Section 140.447(a).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

2. To add, after "items" in Section 140.447(a), the parenthetical "(items requiring a prescription under federal or state law)."

3. To delete "HCFA" in Section 140.447(a) and spell out "Health Care Financing Administration" in its place.

4. In Section 140.441(g) in the last two lines replaced ". . . with Section 310.6 of Title XXI of the Code of Federal Regulations" with ". . . with 21 CFR 310.6".

5. In Section 140.445(b)(2), moved the percentage column to the right 1/2 inch.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace Emergency Amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.19	Amendment	August 12, 1988 (12 Ill. Reg. 12976)
140.20	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.43	New Section	December 2, 1988 (12 Ill. Reg. 19868)
140.100	Amendment	October 14, 1988 (12 Ill. Reg. 16421)
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)
140.350	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.362	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.363	Amendment	April 1, 1988 (12 Ill. Reg. 5958)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.364	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.367	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.369	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.370	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.372	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.373	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.376	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.390	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.392	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.394	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.400	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.435	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.436	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.440	Amendment	December 30, 1988 (12 Ill. Reg. 22329)
140.525	Amendment	October 28, 1988 (12 Ill. Reg. 17172)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.642	Amendment	November 28, 1988 (12 Ill. Reg. 19613)
140.896	New Section	July 15, 1988 (12 Ill. Reg. 11701)

15) Summary and Purpose of Amendments: These amendments make a variety of changes. The most significant relates to changing pharmacy reimbursement to a percentage off average wholesale price.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Thomas D. Toberman
Division of Medical Programs

Address: Illinois Department of Public Aid
Prescott E. Bloom Building
201 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62763

Telephone: (217) 524-7335

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA and AMI
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatment Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.71 Drug Manual (Recodified)
140.72 Drug Manual (Recodified)
140.73 Drug Manual Update (Recodified)

SUBPART C: HOSPITAL SERVICES

Section
140.94 Hospital Services
140.95 Participation
140.96 General Requirements
140.97 Special Requirements
140.98 Covered Hospital Services
140.99 Hospital Services Not Covered
140.100 Limitation On Hospital Services
140.101 Transplants
140.102 Heart Transplants
140.103 Liver Transplants
140.104 Bone Marrow Transplants
140.110 Disproportionate Share Hospital Adjustments (Emergency Expired)
140.116 Payment for Inpatient Services for GA
140.117 Hospital Outpatient and Clinic Services
140.200 Payment for Hospital Services During Fiscal Year 1982
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983
140.203 Limits on Length of Stay by Diagnosis
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.350 Copayments
140.360 Payment Methodology
140.361 Non-Participating Hospitals
140.362 Pre July 1, 1984 Services
140.363 Post July 1, 1984 Services
140.364 Utilization Allocation
140.365 Base Year Costs
140.366 Restructuring Adjustment
140.367 Inflation Adjustment
140.368 Volume Adjustment (Repealed)
140.369 Groupings
140.370 Rate Calculation
140.371 Payment
140.372 Review Procedure
140.373 Utilization
140.374 Alternatives
140.375 Exemptions
140.376 Utilization, Case-Mix and Discretionary Funds
140.390 Subacute Alcoholism and Substance Abuse Services
140.391 Definitions
140.392 Types of Subacute Alcoholism and Substance Abuse Services
140.394 Payment for Subacute Alcoholism and Substance Abuse Services
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
140.398 Hearings

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners and Laboratories
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.425 Podiatry Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428 Chiropractic Services
140.429 Limitations on Chiropractic Services
140.430 Independent Laboratory Services
140.431 Services Not Covered by Independent Laboratory
140.432 Limitations on Independent Laboratory Services
140.433 Payment for Laboratory Services
140.434 Record Requirements for Independent Laboratories
140.440 Pharmacy Services
140.441 Pharmacy Services Not Covered
140.442 Prior Approval of Prescriptions
140.443 Filling of Prescriptions
140.444 Compounded Prescriptions
140.445 Prescription Items (Not Compounded)
140.446 Over-the-Counter Items
140.447 ~~Acquisition Cost~~ Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items
140.450 Record Requirements for Pharmacies
140.452 Mental Health Clinic Services
140.453 Definitions
140.454 Types of Mental Health Clinic Services
140.455 Payment for Mental Health Clinic Services
140.456 Hearings
140.460 Clinic Services
140.461 Clinic Participation Requirements
140.462 Covered Services in Clinics
140.463 Encounter Rate Clinics
140.464 Psychiatric Clinics (Hospital-based)
140.465 Speech and Hearing Clinics
140.466 Rural Health Clinics
140.467 Independent Clinics
140.469 Hospice
140.470 Home Health Services
140.471 Home Health Covered Services
140.472 Types of Home Health Services
140.473 Prior Approval for Home Health Services
140.474 Payment for Home Health Services
140.475 Medical Equipment, Supplies and Prosthetic Devices
140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Supplies and Prosthetic Devices
140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.479 Approval of Medical Supplies
140.480 Equipment Rental Limitations
140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482 Family Planning Services
140.483 Limitations on Family Planning Services
140.484 Payment for Family Planning Services
140.485 Medichek Services
140.486 Limitations on Medichek Services
140.487 Payment on Medichek Services
140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.495 Psychological Services
140.496 Payment for Psychological Services

SUBPART E: GROUP CARE

Section
140.500 Group Care Services
140.502 Cessation of Payment at Federal Direction
140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Continuation of Payment Because of Threat To Life
140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
140.510 Determination of Need for Group Care
140.511 Services Provided Without Charge
140.512 Utilization Control
140.513 Utilization Review Plan
140.514 Certifications and Recertifications of Care
140.515 Management of Recipient Funds--Personal Allowance Funds
140.516 Recipient Management of Funds
140.517 Correspondent Management of Funds
140.518 Facility Management of Funds
140.519 Use or Accumulation of Funds
140.520 Management of Recipient Funds--Local Office Responsibility
140.521 Room and Board Accounts
140.522 Reconciliation of Recipient Funds
140.523 Bed Reserves
140.524 Cessation of Payment Due to Loss of License
140.525 Eligibility For Quality Incentive Program (QUIP)
140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527 Quality Incentive Survey
140.528 Payment of Quality Incentive

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.529 Reviews
140.530 Basis of Payment for Group Care Services
140.531 General Service Costs
140.532 Health Care Costs
140.533 General Administration Costs
140.534 Ownership Costs
140.535 Costs for Interest, Taxes and Rent
140.536 Organization and Pre-Operating Costs
140.537 Payments to Related Organizations
140.538 Special Costs
140.539 Nurse's Aide Training
140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541 Salaries Paid to Owners or Related Parties
140.542 Cost Reports-Filing Requirments
140.543 Time Standards for Filing Cost Reports
140.544 Access to Cost Reports
140.545 Penalty for Failure to File Cost Reports
140.550 Update of Operating Costs
140.551 General Service Costs
140.552 Nursing and Program Costs
140.553 General Administrative Costs
140.554 Component Inflation Index
140.555 Minimum Wage
140.560 Components of the Base Rate Determination
140.561 Support Costs Components
140.562 Nursing Costs
140.563 Capital Costs
140.565 Incentive Payments for Quality Care
140.566 Level I Incentive Payments
140.567 Level II Incentive Payments
140.568 Duration of Incentive Payments
140.569 Clients With Exceptional Nursing Care Needs
140.570 Capital Rate Component Determination
140.571 Fair Rental Value (FRV) Calculation
140.572 Total Capital Rate
140.573 Other Capital Provisions
140.574 Capital Costs for Rented Facilities
140.575 Newly Constructed Facilities (Repealed)
140.576 Renovations (Repealed)
140.577 Capital Costs for Rented Facilities (Renumbered)
140.578 Property Taxes
140.579 Specialized Living Centers
140.580 Mandated Capital Improvements
140.581 Qualifying as Mandated Capital Improvement
140.582 Cost Adjustments

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.583 Campus Facilities
140.584 Illinois Municipal Retirement Fund (IMRF)
140.590 Audit and Record Requirements
140.642 Pre-Screening Assessment
140.643 In-Home Care Program
140.645 Medical and In-Home Care For Disabled Persons Under Age 21
140.646 Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647 Description of Developmental Training Service Levels
140.648 Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649 Effective Dates of Reimbursement for Day Programs
140.650 Certification of Day Programs
140.651 Decertification of Day Programs
140.652 Terms of Assurances and Contracts
140.680 Effective Date Of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care

SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section
140.850 Facility/Client Participation
140.855 Evaluation of Need for Care
140.860 Payment
140.865 Definitions
140.870 Guidelines
140.875 Intermediate Care (ICF)
140.880 Skilled Care (SNF/PED)
140.885 Statewide Rates
140.890 Reimbursement for ICF/MR-15 and Under Facilities
140.895 Night Shift Reimbursement
140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Emergency Expired)

SUBBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.901 Functional Areas of Needs (Recodified)
140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
TABLE A Medichek Recommended Screening Procedures
TABLE B Health Service Areas
TABLE C Capital Cost Areas
TABLE D Schedule of Dental Procedures
TABLE E Time Limits for Processing of Prior Approval Requests
TABLE F Podiatry Service Schedule
TABLE G Travel Distance Standards

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TABLE H Staff Time and Allocation by Need Level (Recodified)
TABLE I Staff Time and Allocation for Training Programs (Recodified)
TABLE J HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg.10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986;emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg.15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960 effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners and Laboratories

a) This Section applies to physicians, dentists, optometrists, podiatrists, chiropractors and independent laboratories.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.400 Payment to Practitioners and Laboratories (Con'd)

1) Practitioners and independent laboratories are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payors.

2) A practitioner may bill only for services he personally provides or which are provided under his direct supervision in his office by his staff. A practitioner may not bill for services provided by another practitioner even though he may be in the employ of the other.

3) Payment will be made only in practitioner's name or Department approved alternate payee.

~~2~~4) Payments will be made according to a schedule of State-wide pricing screens established by the Department of Public Aid. The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average State-wide charge. The upper limit for services shall not exceed the lowest Medicare charge levels.

b) The Department will distribute (initially and upon revision of the amounts) to practitioners and laboratories the maximum allowable amounts for the most commonly billed procedures codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of ~~Non-Institutional Provider~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.400 Payment to Practitioners and Laboratories (Cont'd)

~~Services, 931 East Washington,~~ Medical Practitioner Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure code(s) and associated descriptions.

(Source: Amended at 13 Ill. Reg. 2475, effective February 14, 1989)

Section 140.441 Pharmacy Services Not Covered

Items excluded from coverage include the following:

a) Drugs not listed in the Drug Manual (unless the Department gives prior approval);

b) Anorectic drugs or combinations including such drugs;

c) Biologicals and drugs available without charge from the Illinois Department of Public Health or other agencies;

d) Any vaccine, drug or serum which is provided primarily for preventive purposes; e.g., influenza vaccine;

e) Drugs for injection in a practitioner's office unless the cost of the drug per injection (excluding administration) exceeds $25.00;

f) Drugs that have been classified by the Food and Drug Administration (FDA) as ineffective or unsafe in a final order;

g) Drugs that the Food and Drug Administration has proposed in a notice of opportunity for hearing to withdraw labeled indications [pursuant to Section 107(c)(3) of the Drug Amendments of 1962 (P.L. 87-781) and Section 505(e) of the Federal Food Drug and Cosmetic Act (21 USC 355 (e))] and any identical,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.441 Pharmacy Services Not Covered (Cont'd)

related or similar drug products [determined by the FDA in accordance with ~~Section 310.6 of Title XXI of the Code of Federal Regulations~~ 21 CFR 310.6];

h) Items identified as Group Care Restricted Items in the Drug Manual are not covered when provided to recipients living in licensed long-term care facilities;

i) Sickroom Needs and Medical Equipment Items are not covered as pharmacy items. A pharmacy which desires to provide such items must enroll as a provider of medical equipment; and

j) Miscellaneous Supplies which are stocked and dispensed by some pharmacies are not covered. These items include, but are not limited to, dental products, hair products, facial tissues, infant disposable diapers, sanitary pads, tampons, soap or other personal hygiene products, proprietary food supplements or substitutes, sugar or salt substitutes, household products, or infant formula for routine feeding.

(Source: Amended at 13 Ill. Reg. 2475, effective February 14, 1989)

Section 140.443 Filling of Prescriptions

a) The prescription form (or the official form required by law for the prescribing of controlled substances) must contain the following information at a minimum:

1) Recipient's name;

2) Date;

3) Name of pharmacy item being prescribed;

4) Form and strength or potency of drug (or size of non-drug item);

5) Quantity;

6) Directions for use;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.443 Filling of Prescriptions (Cont'd)

7) Refill directions;

8) Legible signature of practitioner in ink;

9) Drug Enforcement Administration (DEA) Number or the Social Security Number (for those practitioners who do not have a DEA Number).

b) Pharmacies shall not accept blank, presigned prescription forms.

c) If a drug is listed in the Drug Manual (see Section 140.72) by generic name and the identical drug is prescribed by trade name, payment will be based on cost of the generic product.

d) The Department shall not pay for quantities of dispensed items in excess of the maximum quantities designated for such items in the Drug Manual, unless it has given prior approval to dispense an amount in excess of the maximum. If the Drug Manual does not specify a maximum quantity, the Department shall pay for no more than one month's supply of the item dispensed.

e) The Department shall pay for refills only if the prescribing practitioner authorized refills on the original prescription and shall pay for no more than two refills made no later than 3 months from the date of the original prescription. However, maintenance drugs may be refilled up to one year. Maintenance drugs are drugs needed for extended periods to maintain health.

f) Pharmacies may use a unit dose system in the dispensing of drugs when such a system is in compliance with all applicable State and Federal laws. The total quantity dispensed on one prescription cannot exceed the quantity prescribed or the maximum allowable quantity.

(Source: Amended at 13 Ill. Reg. 2475, effective February 14, 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.445 Prescription Items (Not Compounded)

a) For items ~~on~~ for which the Drug Manual (see Section 140.72) establishes a maximum price, the Department shall pay the ~~lowest~~ lower of:

1) the pharmacy's prevailing charge to the general public, or

2) the listed maximum price plus the established professional fee~~, or~~.

~~3) the pharmacy's actual acquisition cost plus the established professional fee.~~

b) For items ~~on~~ for which the Drug Manual does not establish a maximum price, the Department shall pay the lower of:

1) the pharmacy's prevailing charge to the general public, or

2) ~~the pharmacy's actual acquisition cost plus the established professional fee.~~ average wholesale price minus the following percentage plus the established professional fee:

Percentage	Effective Date
7.5	07/01/88
10.0	07/01/89

(Source: Amended at 13 Ill. Reg. 2475, effective February 14, 1989)

Section 140.447 ~~Acquisition Cost~~ Reimbursement

~~a) The acquisition cost is the actual average payment by the pharmacy to its supplier for the item in question, taking into account any discounts, rebates and bonuses. The full amount of the discount shall be subtracted when calculating the acquisition cost of an item. The amount of any rebates and bonuses, or the cash value thereof, shall be prorated to all purchases~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.447 ~~Acquisition Cost~~ Reimbursement (Con'd)

~~on which the rebate or bonus was earned. The pro rata share shall be subtracted when calculating the acquisition cost of an item.~~

a) The Department's maximum reimbursement level is based on the average wholesale price minus the percentage established by the Department for RX items (items requiring a prescription under federal or state law) not otherwise listed on the Health Care Financing Administration Maximum Acquisition Cost list (as set forth in subsection 140.445(b)(2)).

b) If a pharmacy gives discounts to the general public, it must provide the same to Public Aid recipients. If discounts are allowed only to a specific group of people, they shall be extended to a recipient if he is a member of the special discount group. Public Aid recipients can constitute a special group and receive a discount, but they cannot be excluded from a discount group just because they are recipients.

c) The Department does not recognize additional costs which may be incurred by a pharmacy through use of a unit dose system of dispensing or the purchase of convenience packaged items.

(Source: Amended at 13 Ill. Reg. 2475, effective February 14, 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: SUPPORT RESPONSIBILITY OF RELATIVES

2) Code Citation: 89 Ill. Adm. Code 103

3) Section Number: Adopted Action:

103.20 Amendment

4) Statutory Authority: Sections 10-1 through 10-3 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 10-1 through 10-3 and 12-13)

5) Effective Date of Amendment: February 14, 1989

6) Does this rulemaking contain an automatic repeal date?
___Yes X No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 14, 1989

9) Notice of Proposal Published in Illinois Register:

November 8, 1988 (12 Ill. Reg. 17667)

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: Mimi Griffiths of the Administrative Code Division of the Secretary of State's Office recommended the following changes:

In subsection (a)(1), the language ends with a colon and therefore constitutes text rather than a heading. This means that the pargraph which follows needs to be indented to the next level of subsection.

This same comment also applies to subsection (b)(2)

This same comment applies to subsection (b)(1) as well, except here you already have third level subsections. Thus, you will need to combine subsection (b)(1) and its unlabeled paragraph as follows:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

1) For responsible relatives living with the recipient/assistance unit: The Department shall determine a responsible relative's ability to support dependents according to the standards and asset limitation indicated below:

The Department shall incorporate these changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
103.1	New Section	December 16, 1988 (12 Ill. Reg. 20757)

15) Summary and Purpose of Amendment: This rulemaking provides that spouses living together as a couple shall be treated as a couple if that is to their advantage in determining eligibility for AABD.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Daniel C. Leikvold, Staff Attorney
Office of the General Counsel
Illinois Department of Public Aid

Address: 100 South Grand Ave. E., 3rd Fl.
Springfield, Illinois 62762

Telephone: 217/782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 103
SUPPORT RESPONSIBILITY OF RELATIVES

Section
103.10 Support From Responsible Relatives
103.20 Determination Of Ability To Support
103.30 Redetermination Of Ability To Support
103.40 Failure or Refusal to Provide Information Regarding Ability to Support
103.50 Modification or Release From Support Order
103.Table A Standard For Determining Responsible Relative Liability

AUTHORITY: Implementing and authorized by Article X of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 13 Ill. Reg. 2496, effective February 14, 1989.

Section 103.20 Determination Of Ability To Support

a) Responsible relatives living apart from the recipient/assistance unit.

1) For responsible relatives living apart from the recipient/assistance unit:

A responsible relative is liable for all assistance provided to or in behalf of the recipient, unless the relative establishes a lesser ability to support by providing the Department with income and asset information from which it can determine the relative's ability to support. However, the monthly support obligation assessed a responsible

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 103.20 Determination Of Ability To Support (Cont'd.)

relative determined able to pay shall not exceed the average monthly amount of assistance provided by the Department to or in behalf of the recipient.

2) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

b) Responsible relatives living apart or with the recipient/assistance unit.

1) For responsible relatives living with the recipient/assistance unit: The Department shall determine a responsible relative's ability to support dependents according to the standards and asset limitation indicated below:

A) Aid to the Aged, Blind or Disabled (AABD)

The Department shall use the AABD financial assistance standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 113.140, to determine the relative's ability to support.

B) Medical Assistance - No Grant (AABD) - (MANG-AABD)

The Department shall use the MANG (AABD) assistance standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 120.7 and 120.362, to determine the relative's ability to support.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 103.20 Determination Of Ability To Support (Cont'd.)

C) Aid to Families with Dependent Children (AFDC) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A to the gross income of the parents of persons receiving AFDC age 18 through 20. The gross income figure is that contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

D) MANG(C)

The Department shall use the MANG standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 120.8, to determine the relative's ability to support.

E) General Assistance (GA) (City of Chicago Only)

The Department shall use the family or adult payment level, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 114.250, to determine the relative's ability to support.

F) Aid to the Medically Indigent (AMI)

The Department shall use the AMI standard, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 120.10, to determine the relative's ability to support.

2) Responsible relative living apart from the recipient/assistance unit:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 103.20 Determination Of Ability To Support (Cont'd.)

The Department shall apply Table A to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

c) Determine if a hospitalized/institutionalized individual is "living with" a responsible relative.

1) Aid to the Aged, Blind or Disabled (MANG and MAG) consider the client as living apart from a responsible relative for any month the client is hospitalized or institutionalized the first day of the calendar month through the last day of the calendar month. If an infant is hospitalized from birth through the end of the calendar month the client is considered hospitalized for the entire month. If a client is in a hospital/ institution on the first day of the calendar month but dies prior to the end of the calendar month consider the individual living apart from the responsible relative(s).

2) Aid to the Aged, Blind or Disabled (MANG) considers hospitalized or institutionalized spouses as living together as a couple if treating them as a couple is to their advantage in determining eligibility.

~~2~~3) Aid to Families with Dependent Children (MAG) and MANG consider a hospitalized individual as living with the responsible relative if under the relative's control and supervision regardless of the length of hospitalization.

(Source: Amended at 13 Ill. Reg. 2496, effective February 14, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

1) Heading of the Part:

Salvage Warehouses And Stores For Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics

2) Code Citation:

77 Ill. Adm. Code 725

3)

Section Numbers:	Adopted Action:
725.10	New Section
725.15	New Section
725.20	New Section
725.30	New Section
725.40	New Section
725.41	New Section
725.42	New Section
725.43	New Section
725.44	New Section
725.50	New Section
725.51	New Section
725.60	New Section
725.70	New Section
725.71	New Section
725.80	New Section

4) Statutory Authority:

The Salvage Warehouse and Salvage Warehouse Store Act (Ill. Rev. Stat. 1987, ch. 114, pars. 400 et seq.)

5) Effective Date of Rules:

March 1, 1989

6) Does this Rulemaking Contain an Automatic Repeal Date? No.

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes.

If "yes," please specify type: 6.02(a) X or 6.02(b)___

8) Date Filed in Agency's Principal Office:

March 1, 1989

9) Date Notice of Proposal was Published in Illinois Register:

12 Ill. Reg. 7272 April 22, 1988

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No.

11) Difference Between Proposal and Final Version:

The following will be added one double-space below the main source note, "NOTE: Capitalization denotes statutory language."

In Section 725.10, the following citation will be added after the words "Salvage Warehouse and Salvage Warehouse Store Act": "(Ill. Rev. Stat. 1987, ch. 114, pars. 400 et seq.)".

In Section 725.10, the words "77 Ill. Adm. Code" will be replaced with the word "Section".

In Section 725.15, all commas following titles of the Acts will be removed. Statutory citations will be placed within parentheses. Citations to the Ill. Adm. Code will also be placed within parentheses. "U. S. Code" will be abbreviated to read "U.S.C.".

Section 725.15(a)(3) will be changed to "21 CFR 105 (1988)."

Section 725.15(a)(4) will be changed to "21 CFR 110 (1988)."

Section 725.15(a)(5) will be changed to "21 CFR 211 (1988)."

In Section 725.15(b)(2), all letters in the two words, "An Act" will be capitalized at the beginning of the title of the Act.

In Section 725.15(b)(4), the spelling of the word "Pollution" will be corrected.

In Section 725.15(b), the following citation will be added to the list of incorporated state laws and rules:

"10) The Illinois Liquor Control Commission (11 Ill. Adm. Code 100)".

Section 725.15(c)(1)-(3) will be modified to read:

c) Codes and Standards

1) Classification of Visible Can Defects (Exterior), Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, Virginia, 22209, (703) 522-3032, 1984, with the exception of rusted can defects.

2) Guidelines for Evaluation and Disposition of Damaged Canned Food Containers, National Food Processors Association, 1401 New York Avenue, N.W., Washington, D.C., 20005, (202) 639-5900, Buletin 38-L, Second Edition, November, 1979, with the exception of rusted can defects.

3) A Pocket Guide to Can Defects, Association of Food and Drug Officials, P.O. Box 3245, York, Pennsylvania, 17402, (717) 757-2888, 1987, with the exception of rusted can defects.

In Section 725.20, the citation "(21 U.S.C. 301 et seq.)" will be added immediately following the words, "Federal Food, Drug and Cosmetic Act".

In Section 725.20, the words "Section 502 of" will be removed.

In Section 725.20, the definition of "Adequate" will be modified to read:

"Adequate" shall mean that which is needed to accomplish the intended purpose in keeping with good public health practice. Good public health practices are those practices and standards which reduce the opportunity for microorganisms to gain entrance and multiply in foods, drugs, medical devices cosmetics or alcoholic liquors. This would also include such practices and standards which assure that such items remain sound, undamaged, clean, free from adulteration and contamination, and otherwise suitable for human use.

In Section 725.20, the second "PACKED" will be deleted in the definition of "ADULTERATED."

In Section 725.20, the following definition will be added: "'DEPARTMENT' shall mean the Department of Public Health."

In Section 725.20, at the definition of "PITTED RUST," the word "it" will be inserted between the words "that" and "cannot."

In Section 725.20, at the definition of "Salvageable Merchandise", the words "damaged or distressed item or product from a" will be inserted immediately before the words "manufacturer closeout," the words "discontinued product or overrun," will be removed, and the words ", or is not adulterated, contaminated or misbranded," will be added after the word "Part."

In Section 725.40, the Section heading in the text will be revised to place the words "Movement of" on the first line.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

In Section 725.40 the sentence, "Frozen foods shall be maintained at an internal temperature of 0°F (17.8°C)." will be replaced with, "Frozen foods shall be maintained at temperatures which ensure that the foods remain frozen solid."

The listing of Section 725.43 will be revised in the table of contents to read: "Handling of Non-Human Food, Drug or Medical Device Distressed Articles".

In Section 725.43, the words "or solid partitioned areas" will be added after the word "rooms". Also, to clarify the intent of this Section regarding handling of distressed articles, the words ", drugs or medical devices" will be added before the words "are reconditioned."

Section 725.44 will be modified to read:

> Precautions shall be taken to prevent cross contamination (animal feed to human food, etc.) among the various types of merchandise which are salvageable or salvaged. Precautionary measures which may prevent cross-contamination include, but are not limited to, segregation of items by location, and not storing non-human foods, toxins or other food items above directly contiguous to human foods, drugs, cosmetics, medical devices or alcoholic beverages.

The cross reference "pursuant to Section 725.30" will be added following the word "license" in Section 725.50(a).

The following will be added to the end of Section 725.50(a), before the period: "or transportation of such salvageable merchandise in accordance with Section 725.42".

In Section 725.50(c) the words "partially or totally submerged" will be removed and the words "contact with" will be inserted preceding the word "water". The words "soot, smoke" will be inserted preceding the words "or other deleterious" and the word "substance" will be changed to "substances". The phrase "as the result" will be changed to "as a result". The words "fire fighting efforts" will be inserted preceding the word "flood". The word "smoke," will be removed from before the words "sewer backup". The word "reason" will be changed to "reasons".

In Section 725.50(c), the reference to "the Code of Federal Regulations" will be replaced with "21 CFR 178.1010".

In Section 725.50(d), the reference to "Section 715.50(b)" has been corrected to read "Section 725.50(b)".

In Section 725.51, the citations to several Acts will be deleted since the citations were referenced earlier in the Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

In Section 725.51, the words ", at a minimum," will be inserted after the words "shall be labelled", and the words "to indicate that the merchandise has been salvaged" will be removed from the end of the first sentence.

The following sentence will be added to the end of Section 725.51:

NO PERSON, FIRM OR CORPORATION SHALL KEEP OR PERMIT TO REMAIN IN ANY SALVAGE WAREHOUSE OR SALVAGE WAREHOUSE STORE ANY ARTICLE OF FOOD, DRUG, MEDICAL DEVICE OR COSMETIC WHICH HAS BEEN HELD IN A SALVAGE WAREHOUSE WITHIN THE STATE FOR A LONGER PERIOD THAN THE REASONABLE SHELF LIFE OF THE ITEM, BUT IN NO EVENT, FOR A PERIOD LONGER THAN 12 MONTHS, EXCEPT WITH THE WRITTEN APPROVAL OF THE DIRECTOR.

The above statutory language will be deleted from the definition of "Non-salvageable merchandise" in Section 725.20.

In Section 725.60, the citations to several Acts will be deleted since the citations were referenced earlier in the Part.

In Section 725.71, the following sentence will be added after the word "Part." in the first sentence:

> Improper storage conditions include, but are not limited to, variations in temperature extremes, moisture permeation or conditions of high humidity, potential exposure of the product to the environment, unsanitary storage conditions, or infestation with insects or vermin.

In Section 725.71, the cross reference "(21 CFR 211.208)" will be added following the the word "accident" in the second sentence.

In Section 725.71, the following sentence will be added after the word "purity." in the third section:

> Appropriate standards would include the specific portion of the products' monograph in the official compendia as stated in the Food, Drug and Cosmetic Act, the statutory or regulatory standard of identity, if existing, or a particular product, and the manufacturer's internal standards of product quality.

In Section 725.71, the first letter of the word "Section" in the last line will be capitalized.

In Section 725.80 the word "wholesale" will be inserted before the word "distribution" and the words "at the wholesale level" will be added after the words "disposition date".

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

Yes.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No.

14) Are there any other Amendments Pending on this Part? No.

15) Summary and Purpose of Rules:

The Department has adopted a complete update of the rules for Salvage Warehouses and Salvage Warehouse Stores. These rules will create new definitions and revise requirements for areas such as contamination, protection, handling and movement of distressed articles; segregation of merchandise; transporting of distressed merchandise; handling of non-food distressed articles; cross-contamination protection; reconditioning and labeling of distressed merchandise; relabeling; distribution of non-salvageable merchandise; returned drug products; drug product salvaging; and record retention. The previous rules were repealed in their entirety elsewhere in this issue of the Illinois Register. They had been transferred from the Department of Agriculture on January 1, 1984 when the statute was revised to change enforcement authority from the Department of Agriculture to the Department of Public Health. The old rules lacked specificity and clarity and tended to repeat substantial portions of the statute.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 725
SALVAGE WAREHOUSES AND STORES FOR FOODS, ALCOHOLIC LIQUORS, DRUGS, MEDICAL DEVICES AND COSMETICS

Section
725.10 Scope
725.15 Incorporated Materials
725.20 Definitions
725.30 License Requirement
725.40 Contamination Protection, Handling and Movement of Distressed Merchandise
725.41 Segregation of Merchandise
725.42 Transporting of Distressed Merchandise
725.43 Handling of Non-Human Food, Drug or Medical Device Distressed Articles
725.44 Cross-Contamination Protection
725.50 Reconditioning and Labeling of Distressed Merchandise
725.51 Relabeling
725.60 Distribution of Non-Salvageable Merchandise
725.70 Returned Drug Products
725.71 Drug Product Salvaging
725.80 Records Required

AUTHORITY: Implementing and authorized by the Salvage Warehouse and Salvage Warehouse Store Act (Ill. Rev. Stat. 1987, ch. 114, pars. 400 et seq.).

SOURCE: Rules and Regulations Relating to Salvage Warehouses and Salvage Warehouse Stores for Foods, Alcoholic Liquors, Drugs and Cosmetics, filed September 15, 1972, effective September 25, 1972; codified at 5 Ill. Reg. 10561; amended at 7 Ill. Reg. 1777, effective February 2, 1983; Part transferred from the Department of Agriculture (8 Ill. Adm. Code 525) at 8 Ill. Reg. 874, effective January 1, 1984; Part repealed, new Part adopted at 13 Ill. Reg. 2502, effective March 1, 1989.

NOTE: Capitalization denotes statutory language.

Section 725.10 Scope

The Illinois Department of Public Health hereby finds and declares that uniform Statewide salvage rules are needed to regulate all food, alcoholic liquors, drugs, medical devices and cosmetics salvage processing plants and distributors conducting business within the State, to provide for uniformity of inspections of such establishments, and to protect the health of consumers by preventing the sale or distribution of foods, alcoholic liquors, drugs,

medical devices and cosmetics which may have become adulterated or misbranded, until such time as that portion of such items as can be reconditioned or reclaimed for sale and distribution has been placed in a condition which satisfies all requirements of the Salvage Warehouse and Salvage Warehouse Store Act (Ill. Rev. Stat. 1987, ch. 114, pars. 400 et seq.) and all referenced regulations and standards cited in Section 725.15.

Section 725.15 Incorporated Materials

The following materials are incorporated or referenced in this Part:

a) Federal Laws and Rules

1) The Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.);

2) The Federal Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.);

3) 21 CFR 105 (1988);

4) 21 CFR 110 (1988);

5) 21 CFR 211 (1988);

b) State Laws and Rules

1) The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch.56 1/2, pars 501 et seq.);

2) "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof". (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et seq.);

3) The Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq.);

4) Water Pollution (35 Ill. Adm. Code: Subtitle C);

5) Waste Disposal (35 Ill. Adm. Code: Subtitle G);

6) The Illinois Food, Drug and Cosmetic Act (77 Ill. Adm. Code 720);

7) The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 730);

8) Food Service Sanitation (77 Ill. Adm. Code 750);

9) Sanitation of Retail Food Stores (77 Ill. Adm. Code 760);

10) The Illinois Liquor Control Commission (11 Ill. Adm. Code 100).

c) Codes and Standards

1) Classification of Visible Can Defects (Exterior), Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, Virginia, 22209, (703) 522-3032, 1984, with the exception of the interpretation of rusted can defects.

2) Guidelines for Evaluation and Disposition of Damaged Canned Food Containers, National Food Processors Association, 1401 New York Avenue, N.W., Washington, D.C., 20005, (202) 639-5900, Bulletin 38-L, Second Edition, 1979, with the exception of the interpretation of rusted can defects.

3) A Pocket Guide to Can Defects, Association of Food and Drug Officials, P.O. Box 3245, York, Pennsylvania, 17402, (717) 757-2888, 1987, with the exception of rusted can defects .

d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

e) Copies of these materials shall be on file and available for inspection by the public at the Department's Central Office (535 West Jefferson, Springfield, Illinois 62761).

Section 725.20 Definitions

The definitions and interpretations contained in Section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), 21 CFR 105, the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et seq.), and Section 401 of the Salvage Warehouse and Salvage Warehouse Store Act are applicable to such items when used in this Part. The following definitions shall also apply:

"Act" shall mean the Salvage Warehouse and Salvage Warehouse Store Act (Ill. Rev. Stat. 1987, ch. 114, pars. 400 et seq.).

"Adequate" shall mean that which is needed to accomplish the intended purpose in keeping with good public health practice. Good public health practices are those practices and standards which reduce the opportunity for microorganisms to gain entrance and

multiply in foods, drugs, medical devices cosmetics or alcoholic liquors. This would also include such practices and standards which assure that such items remain sound, undamaged, clean, free from adulteration and contamination, and otherwise suitable for human use.

"ADULTERATED" SHALL MEAN THE CONTAINING OF ANY POISONOUS OR DELETERIOUS SUBSTANCE WHICH MAY RENDER AN ITEM INJURIOUS TO HEALTH; OR IF AN ITEM CONSISTS IN WHOLE OR IN PART OF ANY FILTHY, PUTRID OR DECOMPOSED SUBSTANCE; OR IF AN ITEM HAS BEEN PRODUCED, PREPARED, PACKED OR HELD UNDER UNSANITARY CONDITIONS; OR ANY OTHER MEANING ASCRIBED UNDER THE ILLINOIS FOOD, DRUG AND COSMETIC ACT. (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 510)

"Contaminated" shall mean bearing or containing any poisonous or deterious substance which may render an item injurious to health.

"Cross-contaminated" shall mean the contamination of food or equipment with a contaminated raw food or non-food item.

"DEPARTMENT" shall mean the Department of Public Health.

"Distressed Merchandise" shall mean any food, drug, cosmetic, medical device or alcoholic liquor which has had the label lost or which has been subjected to possible damage due to accident, fire, smoke, storm, flood, adverse weather, train or truck wreck, or to any other similar cause, or which may have been rendered unsafe or unsuitable for human consumption or use pursuant to this Part.

"Flipper" shall mean a can with a bulged or swelled end which, when depressed, will force the opposite end of the can to bulge or swell.

"Leaker" shall mean a can or other container which shows evidence of leakage of its contents.

"MISBRANDED" SHALL MEAN LABELED OR HAVING LABELING WHICH IS FALSE OR MISLEADING IN ANY PARTICULAR; OR ANY OTHER MEANING ASCRIBED UNDER THE ILLINOIS FOOD, DRUG AND COSMETIC ACT. (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 511)

"Non-Salvageable Merchandise" shall mean "distressed merchandise," as defined in this section which cannot be reconditioned such as foods, alcoholic liquors, drugs, medical devices and cosmetics contaminated and/or adulterated by pesticides, chemicals, or filth; potentially hazardous foods (frozen or those requiring refrigeration) which have been exposed to a temperature above 45°F (7.2°C) for a period exceeding 4 hours; foods, alcoholic liquors, drugs, medical devices and cosmetics found unfit for salvage on examination; foods, alcoholic liquors, drugs, medical devices and cosmetics packaged in paper or other porous materials which have been subject to contamination; and foods, alcoholic liquors, drugs,

medical devices or cosmetics found to have pitted rust upon examination. Drug products or infant formulas containing expiration dates or beyond use dates which have expired shall be considered non-salvageable merchandise.

"Perishable" shall mean that there exists a significant risk of spoilage or deterioration when a product has not been refrigerated.

"Personnel" shall mean any person employed at a salvage processing plant or distributor who does or may in any manner handle or come in contact with the handling, storing, transporting, or selling and distributing of salvageable or salvaged merchandise.

"Pitted Rust" shall mean any rust that has penetrated the surface of the container to such a depth it that cannot be removed with a wiping cloth only. Containers with rust that cannot be removed with a wiping cloth only are non-salvageable merchandise.

"Potentially Hazardous Food" shall mean any food or food ingredient, natural or synthetic, in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of Clostridium botulinum as stated in 77 Ill. Adm. Code 750.20.

"Reconditioning" shall mean any sanitary process or procedure by which distressed merchandise can be made available for consumption or use by the public pursuant to this Part.

"Salvageable Merchandise" shall mean any damaged or distressed item or product from a manufacturer closeout, or distressed merchandise which can be reconditioned pursuant to this Part or is not adulterated, contaminated or misbranded.

"Salvage Distributor" shall mean a person who engages in the business of selling, distribution or otherwise trafficking in any distressed or salvaged merchandise.

"Salvaged Merchandise" shall mean distressed merchandise which has been reconditioned pursuant to this Part.

"Salvage Processing Plant" shall mean an establishment engaged in the business of reconditioning or by other means salvaging distressed merchandise and which sells or distributes or holds for sale salvaged merchandise for human consumption or use.

"Springer" shall mean a can with a bulged or swelled end which, after depression, returns voluntarily to its bulged or swelled condition.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

"Surface Rust" shall mean rust that can be removed with a wiping cloth only.

"Swell" shall mean a can which exhibits a bulged end.

"Vehicles" shall mean any truck, car, bus, or other means by which distressed, salvageable or salvaged merchandise is transported from one location to another.

Section 725.30 License Requirement

A separate license shall be required for each location of a salvage distributor and salvage processing plant. Licenses will be issued in accordance with Section 2 of the Act.

Section 725.40 Contamination Protection, Handling and Movement of Distressed Merchandise

All salvageable and salvaged merchandise, while being stored or processed at a salvage processing plant, or during transportation, shall be protected from contamination or adulteration. All foods and drugs shall be kept at such temperature as will protect against spoilage or deterioration. All potentially hazardous foods shall be maintained at a temperature of 45°F (7.2°C) or below. Frozen foods shall be maintained at temperatures which ensure that the foods remain frozen solid. Poisonous and toxic materials shall be identified and handled under such conditions as will not contaminate other salvageable or salvaged merchandise, or constitute a hazard to personnel.

Section 725.41 Segregation of Merchandise

All salvageable merchandise shall be promptly sorted and segregated from non-salvageable merchandise to prevent further contamination of merchandise to be salvaged or offered for sale or distribution.

Section 725.42 Transporting of Distressed Merchandise

Merchandise distressed within Illinois shall be moved under Department seal from the site of a fire, flood, sewer backup, wreck or other cause as expeditiously as possible so as not to become putrid, rodent or insect harborages, or otherwise a menace to public health. All distressed and salvageable merchandise of a perishable nature shall, prior to reconditioning, be transported only in vehicles provided with adequate refrigeration. No interstate movement of distressed or salvageable merchandise shall be made without the prior approval of the Department and the responsible State agency in the State to receive the merchandise.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Section 725.43 Handling of Non-Human Food, Drug or Medical Device Distressed Articles

If distressed articles other than human food, drugs or medical devices are salvaged, they shall be handled in rooms or solid partitioned areas separate from those in which foods, drugs or medical devices are reconditioned.

Section 725.44 Cross-Contamination Protection

Precautions shall be taken to prevent cross-contamination (animal feed to human food, etc.) among the various types of merchandise which are salvageable or salvaged. Precautionary measures which may prevent cross-contamination include, but are not limited to, segregation of items by location, and not storing non-human foods, toxins or other food items above directly contiguous to human foods, drugs, cosmetics, medical devices or alcoholic beverages.

Section 725.50 Reconditioning and Labeling of Distressed Merchandise

a) All salvageable merchandise shall be reconditioned prior to sale or distribution except for such sale or distribution to a person holding a valid license pursuant to Section 725.30 to engage in a salvage operation or transportation of such salvageable merchandise in accordance with Section 725.42.

b) All metal cans of items offered for sale or distribution shall be free from pitted rust and free from dents on the rim, end double seams and/or side seams in accordance with Section 725.50(d). Containers which are leakers, springers, flippers, and swells shall be deemed unfit for sale or distribution. Containers, including metal and glass containers with cork press caps, screw caps, pull rings or other types of openings which have been in contact with water, liquid foam, soot, smoke or other deleterious substances, as a result of fire fighting efforts, flood, sewer backups or similar mishaps, shall be deemed unfit for sale or distribution (i.e., non-salvageable merchandise as defined in Section 725.20 of this Part).

c) All metal containers, other than those mentioned in subsection (b) above, the integrity of which has not been compromised and would not be compromised by reconditioning, and which have been in contact with water, liquid foam, soot, smoke or other deleterious substances as a result of fire fighting efforts, flood, sewer backup or other reasons shall, after thorough cleaning, be subjected to sanitizing rinse of a concentration of 100 ppm available chlorine, or an equivalent sanitizer listed in 21 CFR 178.1010, for a minimum period of one minute. All metal containers shall be thoroughly dried to inhibit rust formation after sanitization.

d) In addition to the requirements of Section 725.50(b) and 725.50(c) of this Part, the reconditioning of metal cans shall be regulated in accordance with the provisions of "Classification of Visible Can Defects (Exterior)," published by the Association of Official Analytical Chemists, 1984, with the exception of its explanations of rusted can defects, and "Guidelines for Evaluation and Disposition of Damaged Canned Food Containers," published by the National Food Processors Association, 1979, with the exception of Chapter J as it relates to rusted can defects, and "A Pocket Guide to Can Defects," published by the Association of Food and Drug Officials, 1987, with the exception of rusted can defects as stated on page 19.

Section 725.51 Relabeling

All salvageable merchandise shall be labeled, at a minimum, with the word "SALVAGED" and shall indicate on the label the date of salvaging. All salvaged merchandise is to be provided with labels meeting the requirements of the Illinois Food, Drug and Cosmetic Act, the Federal Food, Drug, and Cosmetic Act, Federal Fair Packaging and Labeling Act, and regulations promulgated under such Acts. Where original labels are removed from containers which are to be resold or redistributed, the replacement labels must show as the distributor, the name and address of the salvage processing plant, as well as the date of reconditioning for sale or distribution. NO PERSON, FIRM OR CORPORATION SHALL KEEP OR PERMIT TO REMAIN IN ANY SALVAGE WAREHOUSE OR SALVAGE WAREHOUSE STORE ANY ARTICLE OF FOOD, DRUG, MEDICAL DEVICE OR COSMETIC WHICH HAS BEEN HELD IN A SALVAGE WAREHOUSE WITHIN THE STATE FOR A LONGER PERIOD THAN THE REASONABLE SHELF LIFE OF THE ITEM, BUT IN NO EVENT, FOR A PERIOD LONGER THAN 12 MONTHS, EXCEPT WITH THE WRITTEN APPROVAL OF THE DIRECTOR. (Section 406 of the Act)

Section 725.60 Distribution of Non-Salvageable Merchandise

Non-salvageable merchandise shall not be sold or distributed as food, alcoholic liquors, drugs, medical devices or cosmetics, but shall be disposed of in a landfill operated in compliance with the requirements of the Environmental Protection Act, 35 Ill. Adm. Code: Subtitle G, or a waste water treatment plant operated in compliance with the requirements of 35 Ill. Adm. Code: Subtitle C, and any additional local requirements on disposal.

Section 725.70 Returned Drug Products

Returned drug products shall be identified as such. If the conditions under which returned drug products have been held, stored, or shipped before or during their return, of if the condition of the drug products, its container, carton, or labeling, as a result of storage or shipping casts doubt on the safety, identify, strength, quality or purity of the drug product, the returned product shall be destroyed unless examination, testing, or other investigations prove the drug product meets appropriate standards of safety, identity, strength, quality, or purity as stated in 21 CFR 211. A drug

product may be reprocessed provided the subsequent drug product meets appropriate standards, specifications, and characteristics as stated in 21 CFR 211. Records of return drug products shall be maintained and shall include the name and label potency of the drug product dosage form, lot number (or control number or batch number), reason for the return, quantity returned, date of disposition, and ultimate disposition of the returned drug product as stated in 21 CFR 211. Procedures for the holding, testing, and reprocessing of returned drug products shall be in writing and shall be followed.

Section 725.71 Drug Product Salvaging

Drug products that have been subjected to improper storage conditions including extremes in temperature, humidity, smoke, fumes, pressure, age, or radiation due to natural disasters, fires, accidents, or equipment failures shall not be salvaged and returned to the marketplace pursuant to this Part. Improper storage conditions include, but are not limited to, variations in temperature extremes, moisture permeation or conditions of high humidity, potential exposure of the product to the environment, unsanitary storage conditions, or infestation with insects or vermin. Whenever there is is a question whether drug products have been subjected to such conditions, salvaging operations may be conducted only if there is evidence from laboratory tests and assays (including animal feeding studies where applicable) that the drug products meet all applicable standards of identity, strength, quality, and purity and evidence from inspection of the premises that the drug products and their associated packaging were not subjected to improper storage conditions as a result of the disaster or accident (21 CFR 211.208). Organoleptic examinations shall be acceptable only as supplemental evidence that drug products meet appropriate standards of identity, strength, quality, and purity. Appropriate standards would include the specific portion of the products' monograph in the official compendia as stated in the Food, Drug and Cosmetic Act, the statutory or regulatory standard of identity, if existing, or a particular product, and the manufacturer's internal standards of product quality. Records including name, lot number, and disposition shall be maintained for drug products subject to this Section.

Section 725.80 Records Required

Whenever articles of damaged foods, alcoholic liquors, drugs, medical devices or cosmetics from fires, floods, storms, train wrecks, manufacturer closeouts, or damaged from any other source whatsoever are received in a salvage warehouse or salvage warehouse store for damaged foods, alcoholic liquors, drugs, medical devices or cosmetics, a record shall be made identifying the articles of food, alcoholic liquors, drugs, medical devices or cosmetics, source of receipt, receipt date, wholesale distribution, and disposition date at the wholesale level.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

1) Heading of the Part:

Salvage Warehouses And Stores For Foods, Alcoholic Liquors, Drugs, and Cosmetics

2) Code Citation:

77 Ill. Adm. Code 725

3) Section Numbers: Adopted Action:

725.5	Repealed
725.10	Repealed
725.30	Repealed
725.40	Repealed
725.45	Repealed
725.50	Repealed
725.60	Repealed
725.65	Repealed
725.70	Repealed
725.80	Repealed

4) Statutory Authority:

The Salvage Warehouse and Salvage Warehouse Store Act (Ill. Rev. Stat. 1987, ch. 114, pars. 400 et seq.)

5) Effective Date of Rules:

March 1, 1989

6) Does this Rulemaking Contain an Automatic Repeal Date? No.

7) Does this Rulemaking Contain Any Incorporations by Reference? No.

8) Date Filed in Agency's Principal Office:

March 1, 1989

9) Date Notices of Proposal was Published in Illinois Register:

12 Ill. Reg. 7265 April 22, 1988

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

11) Difference Between Proposal and Final Version:

There are no changes between this adopted repealer and the proposal.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were requested by the Joint Committee on Administrative Rules.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No.

14) Are there any other Amendments Pending on this Part? No.

15) Summary and Purpose of Rules:

The Department has repealed the previous language of this Part and, elsewhere in this issue of the Illinois Register, adopted a complete update of the rules for Salvage Warehouses and Salvage Warehouse Stores. The new rules create new definitions and revise requirements for areas such as contamination, protection, handling and movement of distressed articles; segregation of merchandise; transporting of distressed merchandise; handling of non-food distressed articles; cross-contamination protection; reconditioning and labeling of distressed merchandise; relabeling; distribution of non-salvageable merchandise; returned drug products; drug product salvaging; and record retention. The repealed rules had been transferred from the Department of Agriculture on January 1, 1984 when the statute was revised to change enforcement authority from the Department of Agriculture to the Department of Public Health. The old rules lacked specificity and clarity and tended to repeat substantial portions of the statute.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Clinical Psychologist Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1400

3) Section Numbers: Emergency Action:

1400.20	Amending
1400.30	Amending
1400.40	Amending
1400.50	Amending

4) Statutory Authority: Ill.Rev.Stat.1987, ch. 111, pars. 5360, 5361 and 5362

5) Effective Date of Amendment: February 8, 1989

6) If the emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it will expire: N/A

7) Date Filed in Agency's Principal Office: February 8, 1989

8) Reason for Emergency:

This emergency amendment is necessary to implement rules for the rewrite of the Psychology Act to the Clinical Psychology Practice Act (PA 85-1305, effective January 1, 1989). These rules are necessary in order to evaluate applications for examination and licensure under this Act.

9) A Complete Description of the Subjects and Issues Involved:

Section 1400.20 has been amended to implement Section 10(5) of the Act which makes provisions that the Department will no longer be approving programs of education, but rather, will be evaluating education on an individual case basis. Approved education standards have been set forth in the Section.

Section 1400.30 has been modified to set standards for the three different levels of experience referenced in Section 10(5) of the Act.

The application for examination Section (Section 1400.40) has been modified to reflect changes in the education and experience requirements set forth in Sections 1400.20 and 1400.30.

Section 1400.50 - Examination has been amended. The required examination shall be the American Association of State Psychology Board (A.A.S.P.B.) examination. In lieu of the A.A.S.P.B. examination, passage of the American Board of Professional Psychology Examiners will be accepted.

10) Are there any proposed Amendments to this Part pending: No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

12) Information and questions regarding this Amendment shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1400
~~PSYCHOLOGIST REGISTRATION ACT~~
CLINICAL PSYCHOLOGIST LICENSING ACT

Section
1400.10 Statutory Authority
1400.20 ~~Approval of Educational Programs~~ Licensure Qualifications
EMERGENCY
1400.30 ~~Professional~~ Experience Defined
EMERGENCY
1400.40 Application for Examination
EMERGENCY
1400.50 Examination
EMERGENCY
1400.60 Endorsement
1400.65 Renewals
1400.70 Restoration
1400.80 Unethical, Unauthorized, or Unprofessional Conduct
1400.90 Granting Variances

AUTHORITY: Implementing the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Adopted at 5 Ill. Reg. 935, effective January 15, 1981; codified at 5 Ill. Reg. 11057; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 110 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1110 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2972; emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989 , for a maximum of 150 days.

Section 1400.20 ~~Approval of Educational Programs~~ Licensure Qualifications
EMERGENCY

~~a) Approval. The Department shall, upon the recommendation of the Psychology Examining Committee, approve an educational program leading to a doctoral degree as reputable and in good standing if it meets the following minimum criteria:~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

~~1) The Department will be guided but not bound by whether the program is in an institution accredited by a regional accrediting association and the American Psychological Association to offer a doctoral degree in psychology.~~

~~2) The program leads to a doctoral degree in psychology which shall mean a doctoral degree with a major in psychology offered by a department or school of psychology or leads to the equivalent of the doctoral degree in psychology based on the requirements of these rules.~~

~~3) The program must be clearly identified and labeled as a program to educate and train professional psychologists.~~

~~4) The program is an integrated, organized sequence of study.~~

~~5) The program is supervised by a psychologist.~~

~~6) At least 75% of the graduate course credits required for the doctoral degree, excluding dissertation credits, shall be successfully earned in graduate courses which are psychological in content.~~

~~7) The curriculum shall encompass the equivalent of at least three academic years of full time graduate study and shall include instruction in the following areas:~~

~~A) Scientific and professional ethics and standards;~~

~~B) Research design;~~

~~C) Methodology;~~

~~D) Statistics;~~

~~E) Psychometrics; and~~

~~F) At least six graduate semester hours or the equivalent in each of the following content areas; but not necessarily in courses by these names:~~

~~i) Biological basis of behavior such as: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.~~

~~ii) Cognitive affective basis of behavior such as: learning, thinking, motivation, emotion.~~

~~iii) Social basis of behavior such as: social psychology, group processes, organizational and systems theory.~~

~~iv) Individual differences such as: personality theory, human development, abnormal psychology.~~

~~8) The program includes laboratory, clinical and/or field training appropriate to development of professional competency, the capacity to conceptualize human problems and skill in relevant interpersonal interactions such as systematic observation of behavior, interviewing, psychological testing, psychotherapy, counseling and consultation.~~

~~9) Any dissertation required for the doctoral degree is, in the judgment of the Psychology Examining Committee, psychological in method and content and an expected product of doctoral training in psychology.~~

~~b) Withdrawal of Approval~~

~~1) The Director may, upon a written recommendation submitted by the Examining Committee, withdraw, suspend or place on probation the approval of a program, when the quality of the program has been materially affected by any of the following causes:~~

~~A) Gross or repeated violations of any provision of the Act;~~

~~B) Gross or repeated violations of any of these Rules;~~

~~C) A showing of a lack of integrity of officials; or~~

~~D) Fraud or dishonesty in applying for approval of a program.~~

~~2) A program whose approval is being reconsidered by the Department shall be given written notice prior to any recommendation by the Committee and may either submit written comments or request a hearing before the Committee.~~

Individuals applying for licensure as a clinical psychologist pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.) (the "Act") shall meet the following educational/experience requirements pursuant to Section 10 of the Act:

a) In accordance with Section 10(3)(a) of the Act, the individual shall be a graduate of a doctoral program in clinical or counseling psychology accredited by the American Psychological Association or approved by the Council for the National Register of Health Service Providers in Psychology and shall include two years of supervised

clinical or counseling psychology experience in accordance with Section 1400.30(a) of this Part;

b) In accordance with Section 10(3)(b) of the Act, the individual shall be a graduate of a doctoral program which is equivalent to a clinical or counseling psychology program and shall include two years of supervised clinical or counseling psychology experience in accordance with Section 1400.30(a) of this Part. In determining equivalent programs the following minimum standards shall be met:

1) regionally accredited university, college or school;

2) the program constitutes the university, college or school's clinical or counseling psychology program as certified by the institution. If there is an additional clinical or counseling program which exists under the clinical or counseling psychology name, the applicant shall apply under Section 10(5) of the Act and subsection (c) of this Part; and

3) in addition to courses in the seven core content areas set forth in Section 10(3)(b) of the Act, the applicant's program shall include courses in the following:

A) Personality Theory
B) Psychopathology
C) Assessment/Diagnosis
D) Psychotherapy/Intervention

c) In accordance with Section 10(5) of the Act, the individual shall be a graduate of a doctoral psychology program or a graduate of a doctoral program which is psychological in nature; complete a course in each of the 7 core content areas listed in Section 10(3)(b) of the Act; complete a practicum in accordance with Section 1400.30(b) of this Part; complete an internship or clinical experience in accordance with Section 1400.30(c) of this Part; and complete two years of supervised clinical and counseling psychology experience in accordance with Section 1400.30(a) of this Part. The doctoral program shall meet the following requirements:

1) accredited by the American Association of State Psychology Boards/Council for the National Register of Health Service Providers in Psychology which is not a designated clinical or counseling psychology program; or

2) be psychological in nature as determined by the Clinical Psychologists Licensing and Disciplinary Committee (the "Committee"). In determining psychological in nature, the Committee shall consider, but not be bound by, programs:

A) whose training in psychology is doctoral training offered in a regionally accredited institution of higher education;

B) which, wherever they may be administratively housed, must be clearly identified and labeled as offering psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train psychologists;

C) which are an organizational entity with the institution;

D) which are an integrated, organized sequence of study;

E) which have psychology faculty and a psychologist responsible for the program;

F) which have an identifiable body of students who are matriculated in that program for a degree;

G) which encompass a minimum of three academic years of full-time graduate study;

H) which offer courses in personality theory, psychopathology, assessment/diagnosis and psychotherapy/intervention; and

I) which have a one year residency program.

d) For the purposes of this Part, course shall be defined as an integrated, organized course of study which encompasses a minimum of one school term. No independent study courses may be used to satisfy the 7 core content areas set forth in Section 10 of the Act and the courses set forth in subsection (b)(3) and (c)(2)(H) of this Section.

e) Individuals applying for licensure in accordance with subsections (b) and (c) above who are deficient in any of the seven core content areas or in four clinical courses may complete any one or all of these courses in an approved clinical or counseling psychological program accredited by the American Psychological Association or approved by the Council for the National Register of Health Service Providers in Psychology. Individuals who are deficient in the practicum, internship, or clinical experience requirements may obtain this experience in accordance with the standards set forth in Section 1400.30 of this Part. The deficiency may be completed at any time. The applicant will be required to submit proof to the Department that they have completed such a course(s) and/or the experience.

(Source: Emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989 for a maximum of 150 days)

Section 1400.30 ~~Professional~~ Experience Defined
EMERGENCY

~~To meet t~~The ~~requirements of satisfactory professional~~ following sets forth standards for required experience ~~as set forth~~ in accordance with Section 10 of the Act~~, the applicant's experience~~:

a) To meet the requirements of satisfactory supervised experience in clinical or counseling psychology pursuant to Section 10 of the Act, the applicant's experience:

~~a)~~ 1) Shall involve the practice of clinical psychology as defined in Section ~~4)~~ 2(5) of the Act ~~and shall include tasks which depend on the application of skills, concepts, or principles learned during the applicant's professional education~~. Illustrative tasks are: ~~1) Administering and interpreting unstructured psychological tests;~~ 2) assessing, ~~D~~diagnosing and treating individuals with mental, emotional, behavioral or nervous disorders or conditions, or individuals with developmental disabilities; and ~~3)~~ Aassisting clients or organizations in solving professional, personal, or personnel problems~~;~~. ~~4) Independent research; and 5) Full responsibility for teaching college level psychology courses.~~

~~b)~~ 2) ~~May~~ Shall not be limited to ~~essentially~~ repetitious and routine tasks which, although involving psychological activities, are at the pre-professional level. Tasks illustrative of pre-professional experience are: ~~1)~~ Aadministering and scoring structured tests; ~~2)~~ Gconducting standardized interviews; ~~3)~~ Gcollecting data; ~~4)~~ Aacademic guidance counseling; and ~~5)~~ Aassisting in a laboratory or teaching situation.

~~c)~~ 3) ~~Must~~ Shall be personally and individually supervised by a ~~registered~~ licensed clinical psychologist whose license is active and in good standing or a licensed psychologist who is engaged in clinical or counseling psychology ~~by a person possessing qualifications substantially equivalent to those required by the Act~~. The experience must be performed pursuant to the order, control and full professional responsibility of the supervisor, who shall meet face-to-face with the applicant a minimum of one hour per week.

4) Will not be credited if obtained under the supervision of a person who received monetary payment or other consideration from the applicant for the supervision. The clients shall be the clients of the agency rather than the supervisee; and

~~d)~~ 5) Shall contain/include be two years of clinical or counseling

psychology experience, at least one of which must be post-doctoral. ~~Pre-doctoral--experience--cannot--be--offered--to fulfill--both--education--and--experience--requirements.~~ Practicum experience may not be counted towards fulfilling the additional two years of clinical or counseling experience requirement:

~~1)~~ A) Two years of experience is defined as ~~4,000~~ 3,500 hours obtained in not less than ~~24-months-at-a-rate-not-to-exceed-50 hours-per-week~~ 100 weeks based on at least 35 hours per week for full-time work experience.

~~2)~~ B) ~~An-applicant-must-devote~~ Full-time ~~supervised~~ work experience must be obtained ~~activity~~ in a single setting for a minimum of six months ~~for-it-to-be-counted-toward-experience-acceptable to-the-Committee.--Half-time-experience-is-counted-only-if-the applicant-is-in-the-same-setting-for-a-minimum-of-12-months-or a--full--time--academic--term,--in--the--case--of--a--teaching position.--Experiences--of--shorter--duration--will--not--be counted~~. Part-time and internship experience will only be counted if it is 18 hours or more a week for a minimum of nine months and is in a single setting.

~~3)~~ ~~All--experience--submitted--to--fulfill--requirements--for--licensure must-have-been-obtained-within-the-most-recent-10-calendar-years with-at-least-half-within-the-most-recent-5-calendar-years.~~

C) Post-doctoral experience may begin upon completion of degree requirements for the doctoral degree, if verification of the date of completion of such degree requirement, when different than the date of graduation, is certified to the Department by the appropriate administrative official of the applicant's education institution.

D) The experience must be evaluated by the supervisor as satisfactory.

E) Only experience obtained prior to the date of the examination will be considered. Applicants completing the required experience after the examination date will be considered for the next examination. All supervised experience completed prior to the application date shall be listed on the application in order to be considered.

b) To meet the practicum requirement pursuant to Section 10(5) of the Act, the applicant's practicum (externship or clerkship) shall meet the following minimum requirements:

1) shall be a part of the coursework in the doctoral program;

2) shall involve the applicant in direct clinical or counseling psychology services to the client;

3) must provide for personal supervision by a licensed clinical psychologist, licensed psychologist who is engaged in clinical or counseling psychology or by a person possessing the educational and experience qualifications necessary for licensure under the Act. Failure of the licensing examination disqualifies one as a supervisor. The experience must be performed pursuant to the order, control and full professional responsibility of the supervisor who shall meet with the applicant face-to-face for a minimum of 75 hours;

4) shall not be credited if obtained under the supervision of a person who received monetary payment or other consideration from the applicant for the supervision. The clients shall be clients of the agency rather than of the supervisee; and

5) shall be a minimum of 400 hours in duration over the period of one academic year (i.e., 2 semesters, 3 trimesters) but does not have to take place in a single setting.

6) The practicum shall not count toward the postdoctoral supervised experience set forth in subsection (a) above.

c) To meet the requirements of internship or equivalent supervised clinical experience in an organized health care setting pursuant to Section 10(5) of the Act, the internship or clinical experience shall meet the following minimum requirements:

1) shall be an organized training program designed to provide the applicant with a planned, programmed sequence of training experiences;

2) includes a minimum of one hour per week of regularly scheduled, face-to-face individual supervision with the specific intent of dealing with health services rendered directly by the applicant. There must also have been at least two additional hours per week in learning activities such as case conferences including cases in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person including discussion; group supervison; and additional individual supervision;

3) shall be under the individual and personal supervision of a licensed clinical psychologist whose license is active and in good standing or a licensed psychologist who is engaged in clinical or counseling psychology;

4) shall not be credited if the experience was obtained under the supervision of a person who received monetary payment or other consideration from the applicant. The clients shall be the clients of the agency rather than the supervisee; and

5) includes a minimum of 1750 hours completed within 24 months.

6) The training shall be post-clerkship, post-practicum and post-externship level.

7) Internship programs accredited by the American Psychological Association have been deemed by the Department of Professional Regulation (the "Department") to meet the requirements of this subsection.

(Source: Emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989 for a maximum of 150 days)

Section 1400.40 Application for Examination
EMERGENCY

An applicant shall file an application on forms supplied by the Department at least ~~60~~ 90 days prior to an examination date. The application shall include:

~~a) A recent photograph, not larger than 2 1/2 by 2 1/2 inches;~~

~~b)~~ a) Certification of receipt of a doctoral ~~degree in Psychology~~ as defined in ~~Rule II (68 Ill. Adm. Code~~ Section 1400.20~~)~~ of this Part and official transcripts from the applicant's doctoral program. Submission of official transcripts shall be for the purpose of verifying participation in the educational program. ~~an educational program approved by the Department. If the transcript does not show the required number of courses in psychology, the applicant, to provide evidence of the psychological nature of the relevant courses, must submit original catalog descriptions, syllabi of courses and other similar supporting documentation, if requested by the Department. (The burden of persuasion of the equivalency of his academic course work in psychology is on the applicant.)~~

~~c)~~ b) Professional experience reference forms verifying the length, exact time, number of hours per week and description of functions of the applicant's employment and that the experience was obtained pursuant to Section 1400.30 of this Part. All experience information shall be submitted at the time of application. References shall be completed by the person who supervised the applicant pursuant to ~~subsection (c) of Rule III (68 Ill. Adm. Code~~ Section 1400.30~~(c))~~ of this Part; and

c) A complete work history since completion of a baccalaureate degree; and

d) The required fee set forth in Section 24(1) of the Act.

e) Applicants who are graduates from educational institutions outside the United States shall provide, in addition to those requirements listed above, a certified translation of all documents submitted in any language other than English.

f) In addition, the applicant shall cause to be sent directly to the Department certification of the date of completion of degree requirements, if different from date of the awarding of such degree, by the certifying educational administration official, for computation of post-doctoral experience as provided for in Section 1400.30 of this Part.

g) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Committee, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, the applicant seeking a license will be requested to:

1) provide such information as may be necessary; and/or

2) explain such relevance or sufficiency during an oral interview; or

3) appear for additional oral interview(s) before the Committee when the information available to the Committee is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Committee, an applicant shall have a license issued.

(Source: Emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days)

Section 1400.50 Examination
EMERGENCY

a) ~~Applicants reporting for the written examination must bring their admission card and a recent unmounted photograph not larger than 2 1/2 by 2 1/2 inches.~~ The required examination shall be the American Association of State Psychology Board (A.A.S.P.B.) examination.

~~b) The examination shall be given one grade only, and shall cover the areas of Ethics and Research and Statistics Methodology. In addition, the exam may draw from the areas of Clinical, Counseling, Industrial and Educational Psychology.~~

~~c)~~ b) The minimum passing grade on the examination shall be 70 ~~per cent~~.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

c) The Department will accept in lieu of passage of the examination specified in subsection (a) above, passage of the examination of the American Board of Professional Psychology Examiners.

d) The Department will accept proof of completion of the A.A.S.P.B. taken in another jurisdiction with examination scores of at least 70. Such proof must be forwarded directly to the Department from the testing service.

(Source: Emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) The Heading of the Part: Confidentiality of Personal Information of Persons Served by the Department

2) Code Citation: 89 Ill. Adm. Code 431

3) Section Numbers: 431.5 Action: Refusal
431.11 Refusal

4) Date Notice of Proposed Rules Published in the Register (if applicable):

July 22, 1988 (issue date), 12 Ill. Reg. 11922

5) Date JCAR Statement of Objection Published in the Register:

December 30, 1988 (issue date), 12 Ill. Reg. 22457

6) Summary of Action Taken by the Agency:

Objection 1

The Joint Committee objected to Section 431.11 because the Department implemented the amendments prior to implementation of required rulemaking procedures of the Illinois Administrative Procedure Act. The Department acknowledges that the provisions contained in Section 431.11 were implemented by means of a Policy Guide to staff dated October 14, 1988, because it felt that its staff needed instructions on handling AIDS-related confidentiality issues. The Department will attempt to refrain in the future from such prior implementation.

Objection 2

The Joint Committee objected to Section 431.5(b)(8) pertaining to the release of confidential information by Departmental Hearing Officers. The Abused and Neglected Child Reporting Act allows "indicated" perpetrators of child abuse or neglect to appeal that finding in an effort to expunge the report because it is inaccurate or being maintained in a manner inconsistent with the law. Section 431.5(b)(8) as amended will allow Departmental Hearing Officers to disclose to appellants the identity of a person's name who reported possible child abuse or neglect to the Department or disclose the name of a person who cooperated in the investigation by providing information, if the lack of such information concerning the identity of a reporter or a collateral would prejudice an appellant's case or violate due process of law principles. Due process of law is one of the basic components of the American legal system. It is clear that administrative proceedings are

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

governed by the fundamental principles and requirements of due process of law per the ruling of the Illinois Supreme Court in Scott v. Department of Commerce and Community Affairs (1981) 84 Ill. 2d 42, 51, 48 Ill. Dec. 560, 416 N.E.2d 1082. The flexible, evolving nature of due process was discussed by the Second District Illinois Appellate Court in Waste Management of Illinois, Inc. v. Pollution Control Board, 530 N.E.2d 682 (1988) in the following manner:

> Due process is a flexible concept and requires such procedural protections as the particular situation demands. (Scott, 84 Ill. 2d at 51, 48 Ill. Dec. at 565, 416 N.E.2d at 1087). In an administrative hearing, due process is satisfied by procedures that are suitable for the nature of the determination to be made and that conform to the fundamental principles of justice. (Telcser v. Holzman (1964), 31 Ill. 2d 332, 339, 201 N.E.2d 370; Desai v. Metropolitan Sanitary District (1984), 125 Ill. App.3d 1031, 1033, 81 Ill. Dec. 243, 466 N.E.2d 1045) . . . . Due process requirements are determined by balancing the weight of the individual's interest against society's interest in effective and efficient governmental operation. Scott, 84 Ill. 2d at 51, 48 Ill. Dec. at 565, 416 N.E.2d at 1087.

United States Supreme Court Justice Powell made the following observation about due process and its concurring opinion in Argersinger v. Hamlin, 407 U.S. 25 (1972):

> Due process, perhaps the most fundamental concept in our law, embodies principles of fairness rather than immutable line-drawing as to every aspect of a criminal trial.

Fundamental fairness concepts must be applied by Departmental Hearing Officers in a flexible manner on a case-by-case basis since each factual situation relating to the alleged abusive or neglectful incident will be different. The Hearing Officers are serving as administrative law judges in a quasi-judicial role and the rulings and decisions are based on statutes, case law and basic constitutional principles including due process of law as well as their expertise in evidentiary law and civil procedure. Therefore, to the best extent practicable under the circumstances, proposed Section 431.5(b)(8) informs the public about this issue and explains the judicial standard that DCFS Hearing Officers apply in deciding whether to disclose limited information to an appellant in an administrative hearing.

Objection 3

The Joint Committee objected to Section 431.11 on the grounds that the Department does not have the authority to release information regarding

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

HIV test results or diagnoses of ARC or AIDS on children for whom it has temporary protective custody. The Department disagrees and feels that the Abused and Neglected Child Reporting Act grants the Department the authority of legal custodian during the period of temporary protective custody with the power to make necessary decisions on behalf of the child. To fail to inform a foster parent who is caring for an AIDS infected child during this period of temporary protective custody would be putting the foster parent and foster parent's family at risk and would jeopardize the foster parent's confidence in the Department.

Since the Joint Committee does not agree that the Department has the authority under ANCRA to release such information during the period of temporary protective custody and asserts that the Juvenile Court Act does not confer such authority on the Department, the Department will seek clarifying legislation to make it clear that it can release confidential AIDS-related information regarding children for whom it has only temporary protective custody. Such legislation was suggested by the Joint Committee in its Statement of Recommendation dated December 15, 1988.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) The Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3) Section Numbers: 300.110 Action: Refusal

4) Date Notice of Proposed Rules Published in the Register (if applicable):

July 22, 1988 , 12 Ill. Reg. 11953
(issue date)

5) Date JCAR Statement of Objection Published in the Register:

December 30, 1988 , 12 Ill. Reg. 22472
(issue date)

6) Summary of Action Taken by the Agency: The Department has refused to modify Section 300.110(i)(3)(C) because it continues to believe that the intent of the legislation which amended Section 7.12 of the Abused and Neglected Child Reporting Act was to allow additional periods of 30 days if the investigation so warranted and for good cause shown. Prior to the legislation the Department already had the authority to extend investigations for a 30 day period. If the legislation did not intend to enable the Department to make more than one 30 day extension, then there would have been no reason to amend the statute. While the Department agrees with the Joint Committee that it is not clear from the language in the statute that the intent was to allow the Department more than one 30 day extension, the Department's discussions with the bill's sponsor at the time the bill was introduced, indicated to the Department that the intent was to allow multiple 30 day extensions. The Department will seek legislation to amend Section 7.12 of the Abused and Neglected Child Reporting Act to clarify that more than one 30 day extension may be given for good cause.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) The Heading of the Part: Air Quality Standards

2) Code Citation: 35 Ill. Adm. Code 243

3) Section Numbers: 243.108 Proposed Action: Amend
243.120 Add

4) Date of Proposed Rules (Amendments, Repealer) Published in the Illinois Register:

November 18, 1988 , 12 Ill. Reg. 19290

5) Reason for the withdrawal: Subsequent to the filing of the proposal with the Illinois Pollution Control Board (Board) on October 20, 1988, the Illinois Environmental Protection Agency (Agency) learned that petitions for judicial review of the United States Environmental Protection Agency's (USEPA) revised standards and related regulations are pending before the United States Court of Appeals for the District of Columbia. The Agency believed that continuing this rulemaking proceeding while the Agency reviews the actions and documentation of that appeal would waste both Board and Agency resources and would complicate that record to no justifiable purpose. The Agency therefore, moved the Board to dismiss this matter. On January 19, 1989, the Board dismissed the proposal.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) The Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Numbers: 211.101 Proposed Action: Amend
211.102 Amend

4) Date Notice of Proposed Rules (amendments, Repealer) Published in the Illinois Register:

November 18, 1989 , 12 Ill. Reg. 19296
(issue date)

5) Reason for the withdrawal: Subsequent to the filing of the proposal with the Illinois Pollution Control Board (Board) on October 20, 1988, the Illinois Environmental Protection Agency (Agency) learned that petitions for judicial review of the United States Environment Protection Agency's (USEPA) revised standards and related regulations are pending before the United States Court of Appeals for the District of Columbia. The Agency believed that continuing this rulemaking proceeding while the Agency reviews the actions and documentation of the appeal would waste both Board and Agency resources and would complicate that record to no justifiable purpose. The Agency therefore, moved the Board to dismiss this matter. On January 19, 1989, the Board dismissed the proposal.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Action:

140.445 Refusal

4) Date Notice of Proposed Rules Published in the Register (if applicable): October 28, 1988 (12 Ill. Reg. 17172)

5) Date JCAR Statement of Objection Published in the Register:

January 27, 1989 (13 Ill. Reg. 1263)

6) Summary of Action Taken by the Agency: The Department must refuse the Joint Committee's objection. The Committee objects to this rulemaking on the basis that the Department has implemented this rulemaking prior to completion of the rulemaking procedures required under the IAPA. Federal Regulations (52 FR 28657) required the Department to implement policies set forth in this rulemaking by January 1, 1988. Because the Department was engaged in negotiations with affected providers it was unable to initiate rulemaking until a final policy could be effectuated. While it is true that PA 85-1242 required the Department to set the rate of reimbursement for acquisition costs by rule, the effective date of that amendment was January 1, 1989, and not August 30, 1988 as Joint Committee staff assert. The Department filed this rulemaking in October, 1988, with a eye towards adoption by January 1, 1989. Based on the foregoing the Department believes that it has acted properly in the implementation of the policy set forth in this rulemaking. The need for a rulemaking was not clearly mandated until PA 85-1242 was approved. On passage of that Amendment, the Department took appropriate action to promulgate this rulemaking. Accordingly, the Department must respectfully reject the Joint Committee's objection.

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO PROPOSED RULES

1) The Heading of the Part: Sampling And Monitoring

2) Code Citation: 35 Ill. Adm. Code 605

3) Illinois Register Citation to Notice of Proposed Rules (Amendments, Repealer):

13 Ill. Reg. 269 ; January 13 , 19 89
(issue date)

4) Section being Corrected: 605.104

5) Corrections(s) being made: In the Notice of Proposed Amendments, published at 13, Ill. Reg. 269, January 13, 1989, subsections 605.104(c) and (d) were inadvertently dropped. These two subsections are now proposed Sections 605.104(e) and (f).

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 605

SAMPLING AND MONITORING

Section
605.101 Frequency of Bacteriological Sampling
605.102 Minimum Allowable Monthly Samples for Bacteriological Analysis
605.103 Frequency of Chemical Analysis Sampling
605.104 Frequency of Trihalomethane Analysis Sampling
605.105 Monitoring Requirements for Radium-226, -228, and Gross Alpha Particle Activity
605.106 Monitoring Frequency for Radium-226, -228, and Gross Alpha Particle Activity
605.107 Monitoring Requirements for Man-Made Radioactivity
605.108 Monitoring Frequency for Man-Made Radioactivity
605.109 Surface Water Supplies Additional Monitoring Requirements
605.110 Modification of Monitoring Requirements
Appendix References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1017 and 1027).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at ____ Ill. Reg. _____, effective _____.

Section 605.104 Frequency of Trihalomethane Analysis Sampling

a) Surface Water Sources for Supplies Serving Over 10,000 Individuals: Supplies serving over 10,000 individuals shall submit at least four samples per treatment plant per quarter for analysis or analytical results from a certified laboratory for Total Trihalomethanes to the Agency. After results of four consecutive quarters demonstrate consistent Total Trihalomethanes concentrations below the Maximum Allowable

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO PROPOSED RULES

Concentration, and upon written application by the supply, the Agency may reduce the sampling frequency to one sampling per quarter until the Maximum Allowable Concentration is exceeded or until a significant change in source or treatment method is made.

b) Surface Water Sources for Supplies Serving Fewer than 10,000 Individuals: Surface water sources for supplies serving fewer than 10,000 individuals shall submit at least one initial sample per treatment plant for MRTC analysis between May 1, 1989 and October 31, 1989. After written request by the supply and the determination by the Agency that the results of the sample indicate that the supply is not likely to exceed the Maximum Allowable Concentration, the supply shall continue to submit one annual sample per treatment plant, or report of analysis by a certified laboratory to the Agency between May 1 and October 31 of succeeding years. If the sample exceeds the Maximum Allowable Concentration or cannot be analyzed for MRTC, the supply shall submit to the Agency samples in accordance with the sampling frequency specified in Section 605.104(a) above.

~~b~~c) Ground Water Sources for Supplies Serving Over 10,000 Individuals: Supplies serving 10,000 individuals or more shall submit at leas one sample per treatment plant for MTP analysis. After written request by the supply and the determination by the Agency that the results of the sample and local conditions indicate that the supply is not likely to approach or exceed the maximum allowable concentration, the supply shall continue to submit one annual sample per treatment plant, or report of analysis by certified laboratory to the Agency. If the sample exceeds the Maximum Allowable Concentration or cannot be analyzed for MTP, the supply shall submit samples in accordance with Section 605.104(a).

d) Ground Water Sources for Supplies Serving Fewer Than 10,000 Individuals - Supplies serving fewer than 10,000 individuals are not required to submit samples for trihalomethane analysis under this Section.

~~c~~e) Significant changes in water sources or treatment will require testing in accordance with Section 605.104(a).

POLLUTION CONTROL BOARD

NOTICE OF CORRECTIONS TO PROPOSED RULES

~~d~~f If the result of an analysis made pursuant to the reduced monitoring schedules provided by Section 605.104(a) indicates that the level of Total Trihalomethanes exceeds the Maximum Allowable Concentration listed in Section 604.202, the owner or operator of the supply shall initiate analysis of one check sample promptly after the exceedance is reported to the supply. If the check sample confirms that the level of Total Trihalomethanes exceeds the Maximum Allowable Concentration, the supply shall sample in accordance with the frequency set out in Section 605.104(a), for at least one year.

(SOURCE: Amended at ___ Ill. Reg. effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF CODIFICATION CHANGES

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Effective Date of Amendment: January 1, 1989

4) Date Amendment Appeared in the Illinois Register: January 6, 1989 (13 Ill. Reg. 125)

5) Pursuant to Section 7(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1007(b)), the Administrative Code Division has made the following changes in the codification of the above-named rule: The Table of Contents for 89 Ill. Adm. Code 140 "Medical Payment" is corrected. The corrections are as follows:

1. the title for Section 140.416 is corrected to read: "Optometric Services and Materials";

2. the title for Section 140.417 is corrected to read: "Limitations on Optometric Services";

3. Section 140.418 was inadvertently omitted from the Table of Contents. Therefore, this Section has been added to the Table and the title for that Section is: "Department of Corrections Laboratory";

4. Section 140.452 was inadvertently omitted from the Table of Contents. Therefore, this Section as been added to the Table and the title for that Section is "Mental Health Clinic Services";

5. Section 140.453 was inadvertently omitted from the Table of Contents. Therefore, this Section has been added to the Table and the title for that Section is: "Definitions";

6. Section 140.454 was inadvertently omitted from the Table of Contents. Therefore, this Section has been added to the Table and the title for that Section is: "Types of Mental Health Clinic Services";

7. Section 140.455 was inadvertently omitted from the Table of Contents. Therefore, this Section has been added to the Table and the title for that Section is: "Payment for Mental Health Clinic Services";

DEPARTMENT OF PUBLIC AID

NOTICE OF CODIFICATION CHANGES

8. Section 140.456 was inadvertently omitted from the Table of Contents. Therefore, this Section has been added to the Table and the title for that Section is: "Hearings";

9. the title for Section 140.461 is corrected to read: "Clinic Participation Requirements";

10. the title for Section 140.469 is corrected to read: "Hospice";

11. the title for Section 140.645 is corrected to read: "Medical and In-Home Care For Disabled Persons Under Age 21";

12. the title for Section 140.646 is corrected to read: "Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities";

13. the title for Section 140.647 is corrected to read: "Description of Developmental Training Service Levels";

14. the title for Section 140.865 is corrected to read: "Definitions"; and

15. the title for Section 140.880 is corrected to read: "Skilled Care (SNF/PED)".

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Clinical Laboratories and Blood Banks

2) Code Citation:

77 Ill. Adm. Code 450

3) Register Citation to Notice of Proposed Amendments:

This issue of the Illinois Register.

4) Date, Time and Location of Public Hearing:

March 13, 1989
10:00 a.m.
Illinois Department of Public Health
Region 5 Office - Marion
2309 West Main Street
Marion, Illinois 62959
(618) 997-4371, ext. 345

March 14, 1989
9:00 a.m. - Ground Floor Hearing Room
Illinois Department of Public Health
525 West Jefferson Street
Springfield, Illinois 62761

March 15, 1989
10:00 a.m.
Rock Island County Health Department
2112 - 25th Avenue
Rock Island, Illinois 61201
(309) 793-1955

March 16, 1989
10:00 a.m. - Ninth Floor, Room 904
DePaul University College of Law-Health Law Institute
25 East Jackson Boulevard
Chicago, Illinois 60604

March 17, 1989
10:00 a.m.
Illinois Hospital Association
1151 East Warrenville Road
Naperville, Illinois 60566

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

5) Other Pertinent Information:

This rulemaking attempts to implement numerous legislative changes which have recently or will soon become effective (Public Act 85-1025, effective June 30, 1988 and July 1, 1989; Public Act 85-1202, effective August 25, 1988, and Public Act 85-847, effective July 1, 1988 changed to July 1, 1989). These numerous Public Acts constitute a major rewrite of the Illinois Clinical Laboratory Act with the majority of the provisions becoming effective July 1, 1989.

The major thrust of the legislative changes is to require some form of licensure or registration of all entities which perform analysis of human specimens under the following five stage classification scheme:

1. Registration Laboratory;

2. Class I Permit Laboratory;

3. Class II Permit Laboratory;

4. Class III Permit Laboratory;

5. Licensed Laboratory.

All laboratories will be regulated one of these five levels of classification depending upon the tests they conduct, the source of the specimens, and organizational structure. Each of these levels, except the registration class, has regulatory requirements concerning the qualifications of the laboratory director, qualifications of laboratory personnel, proficiency testing and quality control as set forth in this rulemaking.

The economic effect of this rulemaking on the regulated public is unknown. The Department invites any detailed comments on potential costs associated with this rulemaking.

The Department anticipates adopting this rulemaking by July 1, 1989 and phasing in implementation until January 1, 1990.

Public Hearing Procedures

The hearings will be for the sole purpose of gathering public comment on the proposed . Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.

2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.

3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM D-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MARCH 1, 1989

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street
Room 500
Springfield, Illinois 62701

AGENDA

I. Approval of January 9, 1988 Minutes

II. Review of Proposed Agency Rulemaking

Department of Agriculture

1. Farmland Preservation Act; 8 Ill. Adm. Code 700
-First Notice Published: 12 Ill. Reg. 17139 - 10-28-88
-Expiration of Second Notice Period: 2-10-89

2. Animal Welfare Act; 8 Ill. Adm. Code 25
-First Notice Published: 12 Ill. Reg. 19164 - 11-18-88
-Expiration of Second Notice Period: 2-27-89

3. Diseased Animals; 8 Ill. Adm. Code 85
-First Notice Published: 12 Ill. Reg. 19185 - 11-18-88
-Expiration of Second Notice Period: 2-27-89

4. Illinois Bovine Tuberculosis Eradication Act; 8 Ill. Adm. Code 80
-First Notice Published: 12 Ill. Reg. 19196 - 11-18-88
-Expiration of Second Notice Period: 2-27-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

5. Illinois Dead Animals Disposal Act; 8 Ill. Adm. Code 90
-First Notice Published: 12 Ill. Reg. 19201 - 11-18-88
-Expiration of Second Notice Period: 2-27-89

6. Livestock Dealer Licensing; 68 Ill. Adm. Code 610
-First Notice Published: 12 Ill. Reg. 19205 - 11-18-88
-Expiration of Second Notice Period: 2-27-89

7. Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125
-First Notice Published: 12 Ill. Reg. 19211 - 11-18-88
-Expiration of Second Notice Period: 2-27-89

8. Illinois Pseudorabies Control Act; 8 Ill. Adm. Code 115
-First Notice Published: 12 Ill. Reg. 19218 - 11-18-88
-Expiration of Second Notice Period: 2-27-89

9. Animal Diagnostic Laboratory Act; 8 Ill. Adm. Code 110
-First Notice Published: 12 Ill. Reg. 19153 - 11-18-88
-Expiration of Second Notice Period: 3-13-89

10. Bovine Brucellosis; 8 Ill. Adm. Code 75
-First Notice Published: 12 Ill. Reg. 19172 - 11-18-88
Expiration of Second Notice Period: 3-13-89

11. Swine Disease Control and Eradication Act; 8 Ill. Adm. Code 105
-First Notice Published: 12 Ill. Reg. 20309 - 12-9-88
-Expiration of Second Notice Period: 3-16-89

12. Grain Dealers; 68 Ill. Adm. Code 600
-First Notice Published: 12 Ill. Reg. 19795 - 12-2-88
-Expiration of Second Notice Period: 3-20-89

13. Public Grain Warehouse and Warehouse Receipts Act; 8 Ill. Adm. Code 505
-First Notice Published: 12 Ill. Reg. 19806 - 12-2-88
-Expiration of Second Notice Period: 3-20-89

Department of Central Management Services

14. Merit and Fitness; 80 Ill. Adm. Code 302
-First Notice Published: 12 Ill. Reg. 15813 - 10-7-88
-Expiration of Second Notice Period: 2-14-89

15. Day Care; 89 Ill. Adm. Code 1300
-First Notice Published: 12 Ill. Reg. 19223 - 11-18-88
-Expiration of Second Notice Period: 3-6-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Children and Family Services

16. Administration and Funding of Community-Based Services to Youth; 89 Ill. Adm. Code 334
-First Notice Published: 12 Ill. Reg. 11915 - 7-22-89
-Expiration of Second Notice Period: 3-16-89

17. Delivery of Youth Services Funded by the Department of Children and Family Services; 89 Ill. Adm. Code 310
-First Notice Published: 12 Ill. Reg. 11935
-Expiration of Second Notice Period: 3-16-89

18. Background Checks; 89 Ill. Adm. Code 385
-First Notice Published: 12 Ill. Reg. 13744 - 9-2-88
-Expiration of Second Notice Period: 3-6-89

Department of Commerce and Community Affairs

19. Corridors of Opportunity Program; 14 Ill. Adm. Code 630
-First Notice Published: 12 Ill. Reg. 4987 - 3-18-88
-Expiration of Second Notice Period: 3-20-89

20. Standard Grant Administrative Requirements; 47 Ill. Adm. Code 1
-First Notice Published: 12 Ill. Reg. 4403 - 3-20-88
-Expiration of Second Notice Period: 3-20-89

Illinois Commerce Commission

21. Least-Cost Planning for Natural Gas Utilities; 83 Ill. Adm. Code 535
-First Notice Published: 12 Ill. Reg. 9314 - 6-3-88
Expiration of Second Notice Period: 2-27-89

22. Motor Carrier of Property Fitness Standards; 92 Ill. Adm. Code 1304
First Notice Published: 12 Ill. Reg. 13381 - 8-19-88
-Expiration of Second Notice Period: 3-9-89

23. Independent Review Board Rules of Practice; 92 Ill. Adm. Code 1235
-First Notice Published: 12 Ill. Reg. 17045 - 10-14-88
-Expiration of Second Notice Period: 3-9-89

24. Charitable Contributions; Repeal of; 83 Ill. Adm. Code 325
-First Notice Published: 12 Ill. Reg. 18021 - 11-14-88
-Expiration of Second Notice Period: 3-13-89

25. Designation of Agent Upon Whom Service of All Notices and Process May Be Made (G.O.37); 83 Ill. Adm. Code 215
-First Notice Published: 12 Ill. Reg. 18026 - 11-14-88
-Expiration of Second Notice Period: 3-13-89

Comptroller

26. Public Radio and Television Station Grants; 74 Ill. Adm. Code 280
-First Notice Published: 12 Ill. Reg. 19259 - 11-18-88
-Expiration of Second Notice Period: 2-23-89

Department of Conservation

27. Public Use of State Parks and Other Properties of the Department of Conservation; 17 Ill. Adm. Code 110
-First Notice Published: 12 Ill. Reg. 20363 - 12-9-88
-Expiration of Second Notice Period: 3-16-89

28. Illinois List of Endangered and Threatened Fauna; 17 Ill. Adm. Code 1010
-First Notice Published: 12 Ill. Reg. 20325 - 12-9-88
-Expiration of Second Notice Period: 3-20-89

29. Illinois List of Endangered and Threatened Flora; 17 Ill. Adm. Code 1050
-First Notice Published: 12 Ill. Reg. 20335 - 12-9-88
-Expiration of Second Notice Period: 3-23-89

State Board of Education

30. Vocational Education; 23 Ill. Adm. Code 254
-First Notice Published: 12 Ill. Reg. 8777 - 5-27-88
Expiration of Second Notice Period: 3-13-89

31. Program Accounting Manual; 23 Ill. Adm. Code 110
-First Notice Published: 12 Ill. Reg. 12625 - 8-5-88
-Expiration of Second Notice Period: 2-21-89

32. Pupil Transportation Reimbursement; 23 Ill. Adm. Code 120
-First Notice Published: 12 Ill. Reg. 19266 - 11-18-88
-Expiration of Second Notice Period: 3-17-89

Environmental Protection Agency

33. General Procedures for Stack Testing, Repeal of; 35 Ill. Adm. Code 283
-First Notice Published: 12 Ill. Reg. 16319 - 10-14-88
-Expiration of Second Notice Period: 2-17-89

34. Policy for Granting Permission to Operate During Periods of Excess Emissions, Repeal of; 35 Ill. Adm. Code 260
-First Notice Published: 12 Ill. Reg. 16336 - 10-14-88
-Expiration of Second Notice Period: 2-17-89

35. Procedures for Determining and protecting Confidential Information; 35 Ill. Adm. Code 161
-First Notice Published: 12 Ill. Reg. 16343 - 10-14-88
-Expiration of Second Notice Period: 2-17-89

36. Procedures for Measuring Emissions of Carbon Monoxide from Stationary Sources, Repeal of; 35 Ill. Adm. Code 277
-First Notice Published: 12 Ill. Reg. 16346 - 10-14-88
-Expiration of Second Notice Period: 2-17-89

37. Procedures for Measuring Emissions of Particulate Matter from Stationary Sources, Repeal of; 35 Ill. Adm. Code 263
-First Notice Published: 12 Ill. Reg. 16352 - 10-14-88
-Expiration of Second Notice Period: 2-17-89

38. Self-Monitoring and Reporting by Sources of Air Pollution, Repeal of; 35 Ill. Adm. Code 285
-First Notice Published: 12 Ill. Reg. 16365 - 10-14-88
-Expiration of Second Notice Period: 2-17-89

39. Procedures to be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions; 35 Ill. Adm. Code 276
-First Notice Published: 12 Ill. Reg. 17051 - 10-21-88
-Expiration of Second Notice Period: 2-21-89

Department of Insurance

40. Definition of Salary; 50 Ill. Adm. Code 6302
-First Notice Published: 12 Ill. Reg. 15269 - 9-30-88
-Expiration of Second Notice Period: 3-27-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Lottery

41. Lottery (General); 11 Ill. Adm. Code 1770
-First Notice Published: 12 Ill. Reg. 10298 - 6-17-88
-Expiration of Second Notice Period: 3-3-89

Department of Mental Health and Developmental Disabilities

42. Services Charges; 59 Ill. Adm. Code 106
-First Notice Published: 12 Ill. Reg. 18087 - 11-14-88
-Expiration of Second Notice Period: 2-23-89

Department of Military Affairs

43. Loan of Military Artifacts; 23 Ill. Adm. Code 3300
-First Notice Published: 12 Ill. Reg. 14809 - 9-23-88
-Expiration of Second Notice Period: 3-2-89

44. Rental of National Guard Armories; 71 Ill. Adm. Code 1510
-First Notice Published: 12 Ill. Reg. 14813 - 9-23-88
-Expiration of Second Notice Period: 3-2-89

Pollution Control Board

45. Effluent Standards; 35 Ill. Adm. Code 304
-First Notice Published: 12 Ill. Reg. 15815 - 10-7-88
-Expiration of Second Notice Period: 3-23-89

46. Introduction; 35 Ill. Adm. Code 301
-First Notice Published: 12 Ill. Reg. 15823 - 10-7-88
-Expiration of Second Notice Period: 3-23-89

47. Monitoring and Reporting; 35 Ill. Adm. Code 305
-First Notice Published: 12 Ill. Reg. 15835 - 10-7-88
-Expiration of Second Notice Period: 3-23-89

48. Permits; 35 Ill. Adm. Code 309
-First Notice Published: 12 Ill. Reg. 15839 - 10-7-88
-Expiration of Second Notice Period: 3-23-89

49. Water Quality Standards; 35 Ill. Adm. Code 302
-First Notice Published: 12 Ill. Reg. 15844 - 10-7-88
-Expiration of Second Notice Period: 3-23-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Professional Regulation

50. Veterinary Medicine and Surgery Practice Act; 68 Ill. Adm. Code 1500
-First Notice Published: 12 Ill. Reg. 18100 - 11-14-88
-Expiration of Second Notice Period: 3-17-89

51. The Podiatry Act; 68 Ill. Adm. Code 1360
-First Notice Published: 12 Ill. Reg. 14963 - 9-23-88
-Expiration of Second Notice Period: 3-20-89

52. Dental Practice Act; 68 Ill. Adm. Code 1220
-First Notice Published: 12 Ill. Reg. 5867 - 4-1-88
-Expiration of Second Notice Period: 3-27-89

Department of Public Aid

53. Medical Payment; 89 Ill. Adm. Code 140
-First Notice Published: 12 Ill. Reg. 17643 - 11-4-88
-Expiration of Second Notice Period: 2-14-89

54. Medical Payment (QUIP); 89 Ill. Adm. Code 140.525
-First Notice Published: 12 Ill. Reg. 17172 - 10-28-88
-Expiration of Second Notice Period: 2-14-89

55. Medical Payment; 89 Ill. Adm. Code 140.896
-First Notice Published: 12 Ill. Reg. 11701 - 7-15-88
-Expiration of Second Notice Period: 3-23-89

56. Medical Payment; 89 Ill. Adm. Code 140
-First Notice Published: 12 Ill. Reg. 12976 - 8-12-88
-Expiration of Second Notice Period: 2-21-89

57. Drug Manual; 89 Ill. Adm. Code 141
-First Notice Published: 12 Ill. Reg. 20370 - 12-9-88
-Expiration of Second Notice Period: 3-10-89

58. Administration of Social Service Programs; 89 Ill. Adm. Code 130
-First Notice Published: 12 Ill. Reg. 20649 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

59. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113
-First Notice Published: 12 Ill. Reg. 20654 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

60. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112
-First Notice Published: 12 Ill. Reg. 20661 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

61. Application Process; 89 Ill. Adm. Code 110
-First Notice Published: 12 Ill. Reg. 20670 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

62. Assistance Standards; 89 Ill. Adm. Code 111
-First Notice Published: 12 Ill. Reg. 20674 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

63. Child Support Enforcement; 89 Ill. Adm. Code 160
-First Notice Published: 12 Ill. Reg. 20677 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

64. Collections and Recoveries; 89 Ill. Adm. Code 165
-First Notice Published: 12 Ill. Reg. 20679 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

65. Crisis Assistance; 89 Ill. Adm. Code 116
-First Notice Published: 12 Ill. Reg. 20683 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

66. Food Stamps; 89 Ill. Adm. Code 121
-First Notice Published: 12 Ill. Reg. 20686 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

67. General Administrative Provisions; 89 Ill. Adm. Code 101
-First Notice Published: 12 Ill. Reg. 20694 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

68. General Assistance; 89 Ill. Adm. Code 114
-First Notice Published: 12 Ill. Reg. 20697 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

69. Medical Assistance Programs; 89 Ill. Adm. Code 120
-First Notice Published: 12 Ill. Reg. 20705 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

70. Refugee/Entrant/Repatriate Program; 89 Ill. Adm. Code 115
-First Notice Published: 12 Ill. Reg. 20735 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

71. Related Program Provisions; 89 Ill. Adm. Code 117
-First Notice Published: 12 Ill. Reg. 20739 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

72. Rights and Responsibilities; 89 Ill. Adm. Code 102
-First Notice Published: 12 Ill. Reg. 20743 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

73. Rules of Practice in Administrative Hearings; 89 Ill. Adm. Code 104
-First Notice Published: 12 Ill. Reg. 20747 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

74. Special Eligibility Groups; 89 Ill. Adm. Code 118
-First Notice Published: 12 Ill. Reg. 20753 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

75. Support Responsibility of Relatives; 89 Ill. Adm. Code 103
-First Notice Published: 12 Ill. Reg. 20757 - 12-16-88
-Expiration of Second Notice Period: 3-17-89

76. Child Support Enforcement; 89 Ill. Adm. Code 160
-First Notice Published: 12 Ill. Reg. 21039 - 12-23-88
-Expiration of Second Notice Period: 3-24-89

Department of Public Health

77. The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790
-First Notice Published: 12 Ill. Reg. 20411 - 12-9-88
-Expiration of Second Notice Period: 3-13-89

78. Clinical Laboratories and Blood Banks; 77 Ill. Adm. Code 450
-First Notice Published: 12 Ill. Reg. 19327 - 11-18-88
-Expiration of Second Notice Period: 3-27-89

79. Drinking Water Systems; 77 Ill. Adm. Code 900
-First Notice Published: 12 Ill. Reg. 17206 - 10-28-88
-Expiration of Second Notice Period: 3-27-89

80. Illinois Water Well Construction Code; 77 Ill. Adm. Code 920
-First Notice Published: 12 Ill. Reg. 17233 - 10-28-88
-Expiration of Second Notice Period: 3-27-89

81. Illinois Water Well Pump Installation Code; 77 Ill. Adm. Code 925
-First Notice Published: 12 Ill. Reg. 17252 - 10-28-88
-Expiration of Second Notice Period: 3-27-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

82. Repeal of Alcoholism and Intoxication Treatment Programs; 77 Ill. Adm. Code 200
-First Notice Published: 12 Ill. Reg. 17673 - 11-4-88
-Expiration of Second Notice Period: 3-27-89

83. Private Sewage Mound Code; 77 Ill. Adm. Code 906
-First Notice Published: 12 Ill. Reg. 19332 - 11-18-88
-Expiration of Second Notice Period: 3-27-89

84. Minimum Standards for the Classification and Licensure of Skilled Nursing Facilities and Intermediate Care Facilities; 77 Ill. Adm. Code 300
-First Notice Published: 12 Ill. Reg. 13581 - 8-19-88
-Expiration of Second Notice Period: 3-27-89

85. Minimum Standards Classification and Licensure of Skilled Nursing Facilities and Intermediate Care Facilities; 77 Ill. Adm. Code 300
-First Notice Published: 12 Ill. Reg. 21333 - 12-23-88
-Expiration of Second Notice Period: 3-27-89

Illinois Racing Board

86. Licensing; 11 Ill. Adm. Code 502
-First Notice Published: 12 Ill. Reg. 18105 - 11-14-88
-Expiration of Second Notice Period: 2-14-89

Department of Rehabilitation Services

87. Authorizations; 89 Ill. Adm. Code 520
-First Notice Published: 12 Ill. Reg. 6911 - 4-15-88
-Expiration of Second Notice Period: 3-16-89

88. Program Description; 89 Ill. Adm. Code 675
-First Notice Published: 12 Ill. Reg. 13956 - 9-2-88
-Expiration of Second Notice Period: 3-20-89

89. Non-Financial Eligibility Criteria; 89 Ill. Adm. Code 685
-First Notice Published: 12 Ill. Reg. 15023 - 9-23-88
-Expiration of Second Notice Period: 3-23-89

90. Sex Equity; 89 Ill. Adm. Code 829
-First Notice Published: 12 Ill. Reg. 5990 - 4-1-88
-Expiration of Second Notice Period: 3-13-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

91. Training Services; 89 Ill. Adm. Code 592
-First Notice Published: 12 Ill. Reg. 4788 - 3-11-88
-Expiration of Second Notice Period: 3-27-89

92. The Establishment and Administration of Special Education; 89 Ill. Adm. Code 765
-First Notice Published: 12 Ill. Reg. 13948 - 9-2-88
-Expiration of Second Notice Period: 3-27-89

Secretary of State

93. General Rules, Definitions; 92 Ill. Adm. Code 1000
-First Notice Published: 12 Ill. Reg. 17269 - 10-28-88
-Expiration of Second Notice Period: 2-10-89

94. Cancellation, Revocation and Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040
-First Notice Published: 12 Ill. Reg. 17259 - 10-28-88
-Expiration of Second Notice Period: 2-21-89

95. Issuance of Licenses; 92 Ill. Adm. Code 1030
-First Notice Published: 12 Ill. Reg. 17275 - 10-28-88
-Expiration of Second Notice Period: 2-21-89

96. Notary Public Records; 14 Ill. Adm. Code 176
-First Notice Published: 12 Ill. Reg. 17770 - 11-4-88
-Expiration of Second Notice Period: 2-25-89

97. Collection of Fees; 92 Ill. Adm. Code 1003
-First Notice Published: 12 Ill. Reg. 20019 - 12-1-88
-Expiration of Second Notice Period: 3-6-89

98. Remittance Agents; 92 Ill. Adm. Code 1019
-First Notice Published: 12 Ill. Reg. 19652 - 11-28-88
-Expiration of Second Notice Period: 3-10-89

99. Credit Services Organizations; 14 Ill. Adm. Code 177
-First Notice Published: 12 Ill. Reg. 20434 - 12-9-88
-Expiration of Second Notice Period: 3-13-89

100. Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010
-First Notice Published: 12 Ill. Reg. 19642 - 11-28-88
-Expiration of Second Notice Period: 3-20-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Illinois Sports Facilities Authority

101. Pre-Qualification of General Contractors; 44 Ill. Adm. Code 1300
-First Notice Published: 12 Ill. Reg. 15048 - 9-23-88
-Expiration of Second Notice Period: 3-9-89

Department of State Police Merit Board

102. Procedures of the Department of State Police Merit Board; 80 Ill. Adm. Code 150
-First Notice Published: 12 Ill. Reg. 16438 - 10-14-88
-Expiration of Second Notice Period: 2-21-89

Department of Transportation

103. Carriage by Public Highway; 92 Ill. Adm. Code 177
-First Notice Published: 12 Ill. Reg. 20027 - 12-2-88
-Expiration of Second Notice Period: 3-13-89

104. General Information, Regulations and Definitions; 92 Ill. Adm. Code 171
-First Notice Published: 12 Ill. Reg. 20032 - 12-2-88
-Expiration of Second Notice Period: 3-13-89

105. Hazardous Materials Table and hazardous Materials Communications; 92 Ill. Adm. Code 172
-First Notice Published: 12 Ill. Reg. 20040 - 12-2-88
-Expiration of Second Notice Period: 3-13-89

106. Shipping Container Specifications; 92 Ill. Adm. Code 178
-First Notice Published: 12 Ill. Reg. 20045 - 12-2-88
-Expiration of Second Notice Period: 3-13-89

107. Shippers General Requirements for Shipments and Packagings; 92 Ill. Adm. Code 173
-First Notice Published: 12 Ill. Reg. 20055 - 12-2-88
-Expiration of Second Notice Period: 3-13-89

108. Disadvantaged, Minority and Woman-Owned Businesses; 92 Ill. Adm. Code 10
-First Notice Published: 12 Ill. Reg. 19365 - 11-18-88
-Expiration of Second Notice Period: 3-13-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Board of Trustees of the University of Illinois

109. Program Content and Guidelines for Division of Services for Crippled Children; 89 Ill. Adm. Code 1200
-First Notice Published: 12 Ill. Reg. 20613 - 12-16-88
Expiration of Second Notice Period: 3-27-89

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Agriculture

110. Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)
Notice Published: 12 Ill. Reg. 20894 - 12-16-88

111. Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)
-Notice Published: 13 Ill. Reg. 228 - 1-6-89

Department of Central Management Services

112. State of Illinois Dependent Care Assistance Plan; 80 Ill. Adm. Code 2110 (Emergency)
Notice Published: 13 Ill. Reg. 214 - 1-6-89

Department of Conservation

113. Duck, Goose and Coot Hunting; 17 Ill. Adm. Code 590 (Emergency)
-Notice Published: 12 Ill. Reg. 22244 - 12-23-88

Environmental Protection Agency

114. Procedures for Collection of Air Pollution Site Fees; 35 Ill. Adm. Code 251 (Emergency)
-Notice Published: 13 Ill. Reg. 955 - 1-20-89

Office of the State Fire Marshal

115. Fire Prevention and Safety; 41 Ill. Adm. Code 100 (Emergency)
-Notice Published: 13 Ill. Reg. 582 - 1-13-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Insurance

116. Minimum Standards for Individual and Group Medicare Supplement Insurance; 50 Ill. Adm. Code 2008 (Emergency)
-Notice Published: 13 Ill. Reg. 586 - 1-13-89

Illinois State Board of Investments

117. State of Illinois Employees' Deferred Compensation Plan; 80 Ill. Adm. Code 2700 (Emergency)
-Notice Published: 13 Ill. Reg. 629 - 1-13-89

Department of Professional Regulation

118. Medical Practice Act of 1987; 68 Ill. Adm. Code 1285 (Emergency)
-Notice Published: 13 Ill. Reg. 651 - 1-13-89

Department of Public Aid

119. Child Support Enforcement; 89 Ill. Adm. Code 160 (Emergency)
-Notice Published: 12 Ill. Reg. 20835 - 12-16-88

120. Drug Manual; 89 Ill. Adm. Code 141 (Emergency)
Notice Published: 12 Ill. Reg. 20851 - 12-16-88

Department of Rehabilitation Services

121. Other Services; 89 Ill. Adm. Code 607 (Emergency)
-Notice Published: 13 Ill. Reg. 225 - 1-6-89

Illinois Sports Facilities Authority

122. Procurement Procedures; 44 Ill. Adm. Code 1305 (Emergency)
-Notice Published: 12 Ill. Reg. 22252 - 12-23-88

V. Review of Existing Rules

123. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570
-First Published: 12 Ill. Reg. 5087 - 3-18-88

VI. Incorporation by Reference

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

VII. Agency Responses to Joint Committee Statements of Objection

Department of Children and Family Services

124. Confidentiality of Personal Information of Persons Served by the Department; 89 Ill. Adm. Code 431
-First Published: 12 Ill. Reg. 11911 - 7-22-88
-Objection Date: 12-15-88
-Response: Refusal

125. Reports of Child Abuse and Neglect; 89 Ill. Adm. Code 300
-First Published: 12 Ill. Reg. 11953 - 7-22-88
-Objection Date: 12-15-88
-Response: Refusal and Agreement

Illinois Educational Labor Relations Board

126. Fair Share Fee Objections; 80 Ill. Adm. Code 1125
-First Published: 12 Ill. Reg. 16375 - 10-14-88
-Objection Date: 12-15-88
-Response: Refusal

Department of Employment Security

127. Rules of General Application; 56 Ill. Adm. Code 2712
-First Published: 12 Ill. Reg. 15257 - 9-30-88
-Objection Date: 12-15-88
-Response: Refusal

Board of Ethics

128. Procedures of the Board of Ethics; 80 Ill. Adm. Code 2000
-First Published: 12 Ill. Reg. 12766 - 8-5-88
-Objection Date: 11-15-88
-Response: Failure to Respond

Department of Nuclear Safety

129. Radiation Inspectors and Inspections; 32 Ill. Adm. Code 410
-First Published: 12 Ill. Reg. 13841 - 9-2-88
-Objection Date: 12-15-88
-Response: Agreement

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

130. Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine; 32 Ill. Adm. Code 360
-First Published: 12 Ill. Reg. 13858 - 9-2-88
-Objection Date: 12-15-88
-Response: Agreement

Pollution Control Board

131. Permits and General Provisions; 35 Ill. Adm. Code 201
-First Published: 12 Ill. Reg. 5154 - 3-18-88
-Objection Date: 11-15-88
Response: Refusal

Department of Professional Regulation

132. Barber and Cosmetology Act of 1985; 68 Ill. Adm. Code 175
-First Published: 12 Ill. Reg. 19179 - 11-30-88
-Objection Date: 10-13-88
Response: Refusal

Department of Public Aid

133. Medical Payment; 89 Ill. Adm. Code 140.400, 140.441, 140.443, 140.445 and 140.447
-First Published: 12 Ill. Reg. 17172 - 10-28-88
-Objection Date: 1-9-89
-Response: Refusal

Illinois Racing Board

134. Ownership, Partnership and Stable Name; 11 Ill. Adm. Code 1409
-First Published: 12 Ill. Reg. 17761 - 11-4-88
-Objection Date: 1-9-89
-Response: Refusal

135. Racing, Farm, and Corporate or Stable Name; 11 Ill. Adm. Code 1308
-First Published: 12 Ill. Reg. 17766 - 11-4-88
-Objection Date: 1-9-89
-Response: Refusal

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

State Employees Retirement System

136. The Administration and Operation of the State Employees' Retirement System of Illinois Social Security Unit; 80 Ill. Adm. Code 1570
-First Published: 12 Ill. Reg. 14122 - 9-9-88
-Objection Date: 12-15-88
-Response: Refusal

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 6, 1988 through February 10, 1989 and have been scheduled for review by the Committee at its March 1, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/23/89	Department of Conservation, Illinois List of Endangered and Threatened Flora (17 Ill. Adm. Code 1050)	12/9/88 12 Ill. Reg. 20335	March 1, 1989
3/23/89	Pollution Control Board, Effluent Standards (35 Ill. Adm. Code 304)	10/7/88 12 Ill. Reg. 15813	March 1, 1989
3/23/89	Pollution Control Board, Introduction (35 Ill. Adm. Code 301)	10/7/88 12 Ill. Reg. 15823	March 1, 1989
3/23/89	Pollution Control Board, Monitoring and Reporting (35 Ill. Adm. Code 305)	10/7/88 12 Ill. Reg. 15835	March 1, 1989
3/23/89	Pollution Control Board, Permits (35 Ill. Adm. Code 309)	10/7/88 12 Ill. Reg. 15839	March 1, 1989
3/23/89	Pollution Control Board, Water Quality Standards (35 Ill. Adm. Code 302)	10/7/88 12 Ill. Reg. 15844	March 1, 1989
3/24/89	Department of Public Aid, Child Support Enforcement (89 Ill. Adm. Code 160)	12/23/88 12 Ill. Reg. 21039	March 1, 1989
3/27/89	Department of Public Health, Clinical Laboratories and Blood Banks (77 Ill. Adm. Code 450)	11/18/88 12 Ill. Reg. 19327	March 1, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/27/89	Department of Insurance, Definition of Salary (50 Ill. Adm. Code 6302)	9/30/88 12 Ill. Reg. 15269	March 1, 1989
3/27/89	Board of Trustees of the University of Illinois, Program Content and Guidelines for Division of Services for Crippled Children (89 Ill. Adm. Code 1200)	12/16/88 12 Ill. Reg. 20613	March 1, 1989
3/27/89	Department of Rehabilitation Services, The Establishment and Administration of Special Education (89 Ill. Adm. Code 765)	9/2/88 12 Ill. Reg. 13948	March 1, 1989
3/27/89	Department of Rehabilitation Services, Training Services (89 Ill. Adm. Code 592)	3/11/88 12 Ill. Reg. 4788	March 1, 1989
3/27/89	Department of Public Health, Drinking Water Systems (77 Ill. Adm. Code 900)	10/28/88 12 Ill. Reg. 17206	March 1, 1989
3/27/89	Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920)	10/28/88 12 Ill. Reg. 17233	March 1, 1989
3/27/89	Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)	10/28/88 12 Ill. Reg. 17252	March 1, 1989
3/27/89	Department of Public Health, Alcoholism and Intoxication Treatment Programs; Repeal of (77 Ill. Adm. Code 200)	11/04/88 12 Ill. Reg. 17673	March 1, 1989
3/27/89	Department of Public Health, Private Sewage Mound Code (77 Ill. Adm. Code 906)	11/18/88 12 Ill. Reg. 19332	March 1, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/27/89	Department of Professional Regulation, Dental Practice Act (68 Ill. Adm. Code 1220)	4/1/88 12 Ill. Reg. 5867	March 1, 1989
3/27/89	Department of Public Health, Minimum Standards for the Classification and Licensure of Skilled Nursing Facilities and Intermediate Care Facilities (77 Ill. Adm. Code 300)	8/19/88 12 Ill. Reg. 13581	March 1, 1989
3/27/89	Department of Public Health, Minimum Standards Classification and Licensure of Skilled Nursing Facilities and Intermediate Care Facilities (77 Ill. Adm. Code 300)	12/23/88 12 Ill. Reg. 21333	March 1, 1989

PROCLAMATION
89-055
DuPage County Sesquicentennial

WHEREAS, the tornado season, which every year destroys human lives and private property, is imminent; and

WHEREAS, Illinois, at the northeast edge of the most tornado-prone region of the world, is especially vulnerable; and

WHEREAS, an average of 25 tornadoes have swept through Illinois each year since 1950, with 20 in 1988 and as many as 107 in 1974; and

WHEREAS, the Illinois Emergency Services and Disaster Agency and the National Weather Service have worked together to combat the deadly effects of tornadoes through emergency planning;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 5-11, 1989, as TORNADO PREPAREDNESS WEEK in Illinois. I strongly urge all Illinois residents to become familiar with the hazards of tornadoes, and to formulate or refine tornado preparedness plans so that deaths and injuries from the devastating effects of tornadoes can be minimized.

Issued February 7, 1989. Filed February 14, 1989.

PROCLAMATION
89-056
Tornado Preparedness Week

WHEREAS, it is generally recognized that physical fitness contributes to overall good health and well-being; and

WHEREAS, it is extremely important that our leaders, who make decisions with profound effects for us all, are concerned about their own health so they can maintain optimum performance during stressful legislative sessions; and

WHEREAS, the Illinois Association for Health, Physical Education and Recreation, and the Governor's Council on Health and Physical Fitness are cosponsoring Legislators' Fitness Day; and

WHEREAS, on this day, computer-assisted fitness tests such as cardiorespiratory efficiency, and body composition and flexibility will be administered, and nutrition and exercise information will be distributed to interested legislators;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 12, 1989, as LEGISLATORS' FITNESS DAY in Illinois, in recognition of the importance of physical fitness to our leaders and all citizens.

Issued February 9, 1989. Filed February 14, 1989.

PROCLAMATION
89-057
Legislators' Fitness Day

WHEREAS, the future county of DuPage traces its origins to downstate and neighboring counties when Acts of the Illinois General Assembly included most of the present-day county first in Peoria County in 1825, and later in Cook County in 1831; and

WHEREAS, Captain Joseph Naper, founder of Naperville and a state representative from the County of Cook, and businessman Julius Warren began the movement to create DuPage County through their long-standing associations with their neighbors in Cook County and downstate with Illinois lawmakers Abraham Lincoln and Stephen A. Douglas. These intergovernmental bonds paved the way for the successful passage of an Act of the Illinois General Assembly that established DuPage County on February 9, 1839; and

WHEREAS, DuPage County today continues to thrive as Illinois' second most populous county and is recognized as one of the nation's fastest growing counties. It offers its residents excellent housing, schools and other amenities, and a lifestyle maintained by county government and the governments of 24 municipalities, nine townships, and many special governmental districts; and

WHEREAS, DuPage County recalls and preserves its past for tomorrow's residents and leaders through its wide-ranging cultural and art museums, its historical sites, and its natural parks; and

WHEREAS, the Sesquicentennial Anniversary begins on February 9th with a convocation in Wheaton, Illinois, representing a significant milestone in DuPage County history;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 9, 1989, as DUPAGE COUNTY SESQUICENTENNIAL in the State of Illinois.

Issued February 10, 1989. Filed February 14, 1989.

JCAR - Joint Committee on Administrative Rules

ACTION CODES

A – Adopted Rule	*P – Proposed Rule*
AR – Adopted Repealer	*PF – Prohibited Filing Ordered by JCAR*
C – Notice of Corrections	*PP – Peremptory or Court ordered Rules*
CC – Codification Changes	*PR – Proposed Repealer*
E – Emergency Rule	*R – Refusal to meet JCAR objection*
ER – Emergency Repealer	*RC – Statement of Recommendation*
M – Modification to meet JCAR objections	*S – Suspension ordered by JCAR*
O – JCAR Statement of Objections	*W – Withdrawal to meet JCAR objections*

EXAMPLE:

AGRICULTURE, DEPARTMENT OF
8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE — PART — ACTION CODE — PAGE NUMBER — PREVIOUS VOLUME — PAGE NUMBER — ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON
89 Ill. Adm. Code 240 Community Care Program (P-685)
89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015)

AGRICULTURE, DEPARTMENT OF
8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228) (PP-2160)

CAPITAL DEVELOPMENT BOARD
44 Ill. Adm. Code 910 Procurement Practices (P-1917)
71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
80 Ill. Adm. Code 302 Merit & Fitness (P-1639)
80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296)
80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402)
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256)
80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF (CONT'D)
89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES
80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF
47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)
14 Ill. Adm. Code 590 Ill. Large Business Development Program (P-15249/88; A-2028)
14 Ill. Adm. Code 570 Ill. Small Business Development Program (P-20714/87; A-58)
14 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)
47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311)
47 Ill. Adm. Code 100 State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930)

COMMERCE COMMISSION, ILLINOIS
83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)
83 Ill. Adm. Code 281 Energy Assistance (P-1647)
92 Ill. Adm. Code 1205 Fees & Taxes (P-1665)
92 Ill. Adm. Code 1206 Investigation & Suspension of Rates (P-1671)
83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)
92 Ill. Adm. Code 1225 Publication, Posting & Filing of Tariffs, Contracts, Schedules & Related Documents (P-1676)
92 Ill. Adm. Code 1710 Relocation Towing (P-10)
83 Ill. Adm. Code 595 Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (P-16309/88; A-2036)
83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-1686)

COMMUNITY COLLEGE BOARD, ILLINOIS
23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-16313/88; A-1182)

CONSERVATION, DEPARTMENT OF
17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967)
17 Ill. Adm. Code 220 North Point Marina (P-731)
17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-1690)

CORRECTIONS, DEPARTMENT OF
2 Ill. Adm. Code 850 Public Information, Rulemaking & Organization (A-1510)
20 Ill. Adm. Code 107 Records of Committed Persons (P-979)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS
20 Ill. Adm. Code 1520 Operating Procedures for the Administration of Federal Funds (P-1317) (E-1605)

EDUCATION, STATE BOARD OF
23 Ill. Adm. Code 500 Educational Service Centers (P-1730)
23 Ill. Adm. Code 275 Pupil Transportation (P-12745/88; A-1532)
23 Ill. Adm. Code 230 Summer School for Gifted & Remedial Education (P-12747/88; A-1535)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
23 Ill. Adm. Code 2310 Functions & Planning Program (P-1319)

EMERGENCY SERVICES AND DISASTER AGENCY
29 Ill. Adm. Code 430 Emergency & Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance (P-17575/88; A-2040)
29 Ill. Adm. Code 430 Telephone Notification of Hazardous Incidents (PR-17585/88; AR-2049)

EMPLOYMENT SECURITY, DEPARTMENT OF
56 Ill. Adm. Code 2905 Alien Status (P-2229)
56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-743)
56 Ill. Adm. Code 2920 Disqualifying Income & Reduced Benefits (P-17592/88; A-1773)
56 Ill. Adm. Code 2732 Employment (P-1945)
56 Ill. Adm. Code 2712 General Applications (P-15257/88; O-22482/88; R-965; A-795)
56 Ill. Adm. Code 2960 General Provisions (P-17)
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-752)

ENVIRONMENTAL PROTECTION AGENCY
35 Ill. Adm. Code 378 Effluent Disinfection Exemptions (P-12753/88; A-1190)
35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738)
35 Ill. Adm. Code 251 Procedures for Collection of Air Pollution Site Fees (E-955)

FARM DEVELOPMENT AUTHORITY, ILLINOIS
8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-5545/88; A-2440)

FINANCIAL INSTITUTIONS, DEPARTMENT OF
38 Ill. Adm. Code 190 Ill. Credit Union Act (P-14097/88; O-22489/88; A-966)

FIRE MARSHAL, OFFICE OF THE STATE
41 Ill. Adm. Code 100 Fire Prevention & Safety (E-582) (P-1323)
41 Ill. Adm. Code 180 Storage, Transportation, Sale & Use of Gasoline & Volatile Oils (P-1754) (E-1875)
41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-1756) (E-1886)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS
77 Ill. Adm. Code 2510 Data Collection (P-13694/88; A-334)

INSURANCE, DEPARTMENT OF
50 Ill. Adm. Code 2502 Fees for Various Certificates Under Section 408 (PR-2234)
50 Ill. Adm. Code 601 Foreign & Alien Insurer Annual Audited Financial Reports (P-11985/88; A-2051)
50 Ill. Adm. Code 919 Improper Claims Practice (P-13535/88; C-17456/88; A-1204)
50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251) (E-586)
50 Ill. Adm. Code 6301 Pension & Examination Procedure (P-14502/88; A-1780)
50 Ill. Adm. Code 754 Rules & Rate Filings (P-2057/88; A-1542)

INVESTMENT, ILLINOIS STATE BOARD OF
80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-253) (E-629)

LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL
80 Ill. Adm. Code 1125 Fair Share Fee Objections (P-16375/88; O-22478/88; R-1905; A-1784)
80 Ill. Adm. Code 1100 General Procedures (P-1327)
80 Ill. Adm. Code 1105 Hearing Procedures (P-1335)
80 Ill. Adm. Code 1110 Representation Procedures (P-1355)
80 Ill. Adm. Code 1120 Unfair Labor Practice Proceedings (P-1379)

MINES AND MINERALS, DEPARTMENT OF
62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23) (P-756)

NUCLEAR SAFETY, DEPARTMENT OF
32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-982)
32 Ill. Adm. Code 410 Radiation Inspectors & Inspections (P-13841/88; A-342)
32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-13858/88; A-803)

ILLINOIS REGISTER
VOL. 13, ISSUE #8 1989 CUMULATIVE INDEX FEBRUARY 24, 1989

POLLUTION CONTROL BOARD
35 Ill. Adm. Code 243 Air Quality Standards (P-19290/88; W-2536)
35 Ill. Adm. Code 211 Definitions & General Provisions (P-19296/88; W-2537)
35 Ill. Adm. Code 304 Effluent Standards (P-11669/88; A-851) (P-11397/88; A-2060)
35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (P-255)
35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-15327/88; A-362)
35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-15347/88; A-382)
35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)
35 Ill. Adm. Code 601 Introduction (P-262)
35 Ill. Adm. Code 201 Permits & General Provisions (P-5154/88; O-20221/88; R-1624; A-2066)
35 Ill. Adm. Code 310 Pretreatment Programs (P-16384/88; A-2463)
35 Ill. Adm. Code 703 RCRA Permit Program (P-15444/88; A-447)
35 Ill. Adm. Code 605 Sampling & Monitoring (P-269; C-2539)
35 Ill. Adm. Code 307 Sewer Discharge Criteria (P-16396/88; A-1794)
35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-15449/88; A-452)
35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15455/88; A-458)
35 Ill. Adm. Code 704 UIC Permit Program (P-17167/88; A-478)

PROFESSIONAL REGULATION, DEPARTMENT OF
68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (E-2519)
68 Ill. Adm. Code 1465 Ill. Speech-Language Pathology & Audiology Practice Act, The (P-1388) (E-1616)
68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-274) (P-8571/88; A-483) (E-651)
68 Ill. Adm. Code 1280 Medical Practice Act of 1987 (PR-8536/88; AR-513)

PUBLIC AID, DEPARTMENT OF
89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70) (P-1948) (P-2236)
89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-15898/88; A-63)
89 Ill. Adm. Code 111 Assistance Standards (P-15920/88; A-85)
89 Ill. Adm. Code 160 Child Support Enforcement (P-1396)
89 Ill. Adm. Code 141 Drug Manual (P-15483/88; A-516)
89 Ill. Adm. Code 114 General Assistance (P-14996/88; A-89) (P-15924/88; A-89) (P-17621/88; A-1546) (P-1959)
89 Ill. Adm. Code 149 Ill. Competitive Access & Reimbursement Equity (ICARE) Program (P-13917/88; A-554)
89 Ill. Adm. Code 120 Medical Assistance Programs (P-15938/88; A-116) (P-17633/88; A-2081)
89 Ill. Adm. Code 140 Medical Payment (P-11995/88; A-125; CC-2543) (P-16421/88; O-1259) (P-17172/88; O-1263; R-2538; A-2475) (P-1420)
89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10627/88; O-20231/88; R-677; A-559)
89 Ill. Adm. Code 103 Support Responsibility of Relatives (P-17667/88; A-2496)

PUBLIC HEALTH, DEPARTMENT OF
77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks (P-2249)
77 Ill. Adm. Code 750 Food Service Sanitation Code (P-14113/88; A-1819)
77 Ill. Adm. Code 790 Ill. Formulary for the Drug Product Selection Program, The (P-12991/88; A-856) (P-16425/88; A-856)
77 Ill. Adm. Code 380 Residential Rehabilitation Facilities Code (P-987)
77 Ill. Adm. Code 760 Retail Food Store Sanitation Code (P-14115/88; A-1830)
77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, & Cosmetics (PR-7265/88; AR-2517)
77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics (P-7272/88; A-2502)
77 Ill. Adm. Code 830 Structural Pest Control Code (P-3325/88; A-2090)

RACING BOARD, ILLINOIS
11 Ill. Adm. Code 422 Approval of Racing Officials (P-13922/88; A-1558)
11 Ill. Adm. Code 208 Charitable Funds (P-13926/88; O-20234/88; M-1250; A-1232)

RACING BOARD, ILLINOIS (CONT'D)
11 Ill. Adm. Code 437 County Fair Regs. (P-1099)
11 Ill. Adm. Code 502 Licensing (P-17755/88; A-1562)
11 Ill. Adm. Code 1409 Ownership, Partnership & Stable Name (P-17761/88; O-1266; R-1906; A-1841)
11 Ill. Adm. Code 417 Pick Six Rules (E-1899) (P-1979)
11 Ill. Adm. Code 1308 Racing, Farm, Corporate or Stable Name (P-17766/88; O-1268; R-2167; A-2156)
11 Ill. Adm. Code 1410 Trainers & Owners (P-4345; A-1846)

RECORDS COMMISSION, STATE
44 Ill. Adm. Code 4400 State Records Commission (P-44)

REHABILITATION SERVICES, DEPARTMENT OF
89 Ill. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)
89 Ill. Adm. Code 552 Eligibility (P-52) (P-277)
89 Ill. Adm. Code 587 Medical, Psychological & Related Services (P-2192/88; A-1850)
89 Ill. Adm. Code 607 Other Services (P-56) (E-225)
89 Ill. Adm. Code 567 Similar Benefits (P-281)
89 Ill. Adm. Code 597 Tools, Equipment, Supplies & Initial Stock (P-2197/88; A-1568)
89 Ill. Adm. Code 592 Training Services (P-2092/88; A-1573)

RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES
80 Ill. Adm. Code 1570 Administration & Operation of the State Employees' Retirement System of Ill.-Social Security Unit, The (P-14122/88; O-22492/88; R-1626; A-1577)

REVENUE, DEPARTMENT OF
86 Ill. Adm. Code 600 County Supplementary Retailers' Occupation Tax Regs. (P-1448)
86 Ill. Adm. Code 610 County Supplementary Service Occupation Tax Regs. (P-1460)
86 Ill. Adm. Code 620 County Supplementary Use Tax Regs. (P-1468)
86 Ill. Adm. Code 630 County Water Commission Retailers' Occupation Tax Regs. (P-1473)
86 Ill. Adm. Code 640 County Water Commission Service Occupation Tax Regs. (P-1485)
86 Ill. Adm. Code 650 County Water Commission Use Tax Regs. (P-1493)
86 Ill. Adm. Code 100 Income Tax Regs. (P-768) (P-2383)
86 Ill. Adm. Code 432 Pull Tabs & Jar Games Act (P-15027/88; A-191)
86 Ill. Adm. Code 530 Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act (P-11104/88; A-1589)
86 Ill. Adm. Code 151 Vehicle Use Tax Regs. (P-1498)

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OR
38 Ill. Adm. Code 400 Ill. Savings & Loan Act of 1985 (P-1985)

SECRETARY OF STATE
92 Ill. Adm. Code 1040 Cancellation, Revocation or Suspension of Licenses or Permits (P-15947/88; A-1593)
92 Ill. Adm. Code 1010 Certificates of Title, Registration of Vehicles (P-1103) (P-16432/88; A-1598)
23 Ill. Adm. Code 3030 Ill. Library System Act, The (P-12180/88; A-1244)
92 Ill. Adm. Code 1030 Issuance of Licenses (P-2395)

STATE POLICE, DEPARTMENT OF
20 Ill. Adm. Code 1295 Certification & Training of Electronic Criminal Surveillance Officers (P-17064/88; RC-1270; A-1856)

TRANSPORTATION, DEPARTMENT OF
92 Ill. Adm. Code 545 Financing the Installation & Maintenance of School Traffic Signals & Commercial-Industrial Traffic Signals on State Highways (P-1111)
92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-1503)
92 Ill. Adm. Code 448 Official Testing Stations (P-1127)
92 Ill. Adm. Code 534 Vending Machines in Rest Areas (P-15952/88; A-1866)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda
January 9, 1989 239
March 1, 1989 2548

Second Notices Received
242, 668, 969, 1275, 1628, 1907, 2208, 2565

PUBLIC HEARINGS ON PROPOSED RULES

FIRE MARSHAL, OFFICE OF THE STATE
41 Ill. Adm. Code 100 Fire Prevention & Safety 2168

PUBLIC HEALTH, DEPARTMENT OF
77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks 2545

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF
Notice of Acceptance of an Application by First Banks, Inc., St. Louis, Missouri, to Acquire the Salem National Bank, Salem, Illinois 2169
Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Whiteside County Bank 1627
Notice of Acceptance of an Application by Old National Bancorp to Acquire the First National Bank of Harrisburg 968

REVENUE, DEPARTMENT OF
Index of Letter Rulings (Fourth Quarter of 1988) (ROT) 2170

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS
89-1 Rescinding Executive Order 85-2 & Establishing the Ill. Planning Council on Developmental Disabilities 2212

PROCLAMATIONS
89-001 James R. Wolfe's Memorial Award Day 669
89-002 Chicago Opera Theater Week 670
89-003 American History Month 671
89-004 Congratulates Frank R. Adams 672
89-005 Vocational Education Week 673
89-006 Volunteer Connection Day 674
89-007 Cerebral Palsy Month 675
89-008 Four Chaplains Sunday 676
89-009 Homemakers Extension Association Week 677
89-010 Ill. Trail Appreciation Month 678
89-010 Ill. Trail Appreciation Month (Revised) 1277
89-011 School Social Work Week 679
89-012 American Savings & Loan/100th Anniversary 680
89-013 Center For Children's Services Day 681
89-014 Child Find Month 682
89-015 Jaycee Week 683
89-016 Commissioned Corps of the United States Public Health Service Day 684

PROCLAMATIONS (CONT'D)

89-017	Ill. Salutes India Month	971
89-018	Junior Achievement Week	972
89-019	Kiwanis Week	973
89-020	Land Surveyors' Month	974
89-021	Smiles for Little City Days	975
89-022	Chicago Advertising Woman of the Year Week	976
89-023	Dr. Martin Luther King Day	977
89-024	Declares the Counties of Edwards, Wabash, Wayne & White to be Disaster Areas	978
89-025	ROTC Week	1278
89-026	Seed Month	1279
89-027	Amateur Athletic Union Physique Day	1280
89-028	Nutrition Month	1281
89-029	American Homeless Awareness Day	1629
89-030	Community Action Day	1630
89-031	Orchid Week	1631
89-032	Sales & Marketing Month	1632
89-033	Poison Prevention Week	1633
89-034	Ukrainian Independence Day	1634
89-035	Free Enterprise Week	1635
89-036	Snowmobile Safety Week	1636
89-037	Women in Sports Day	1637
89-038	Burn Awareness Week	1909
89-039	Earth Day	1910
89-040	Ill. Jaycee Week	1911
89-041	Ill. Lumber & Material Dealers Days	1912
89-042	Consumers Week	1913
89-043	African-American History Month	1914
89-044	Lions of Ill. Eye Bank Day	1915
89-045	Black History Month	2219
89-046	Employ the Older Worker Week	2220
89-047	Future Business Leaders of America-Phi Beta Lambda Month	2221
89-048	Lithuanian Independence Day	2222
89-049	United States Power Squadrons Day	2223
89-050	Cardiac Rehabilitation Week	2224
89-051	Future Farmers of America Week	2225
89-052	Labor-Management Cooperation Week	2226
89-053	STC's International Technical Communication Week	2227
89-054	Engineers Week	2228
89-055	DuPage County Sequicentennial	2568
89-056	Tornado Preparedness Week	2569
89-057	Legislators' Fitness Day	2570

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724)) The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES			
am	= amendment to existing Section	A	= Adopted rule	O	= JCAR Objection
cc	= codification changes	C	= Correction	P	= Proposed rule
n	= new Section	CC	= Codification Changes	PF	= Prohibited Filing
r	= repeal of existing Section	E	= Emergency rule	PP	= Peremptory rule
rc	= recodified	F	= Failure to Remedy Objections	R	= Refusal to Modify or Withdraw
#	= renumbered	M	= Modification	RC	= JCAR Recommendation
				S	= Suspended rule
				W	= Withdrawal of Proposed rule

TITLE 2

850.15	n	(A-1510)
850.20	am	(A-1510)
850.30	am	(A-1510)
850.110	am	(A-1510)
850.120	am	(A-1510)
850.130	am	(A-1510)
850.205	n	(A-1510)
850.210	am	(A-1510)
850.220	am	(A-1510)
850.230	am	(A-1510)
850.240	am	(A-1510)
850.Tb. A	am	(A-1510)
850.Tb. B	am	(A-1510)
850.Tb. C	am	(A-1510)
850.Tb. D	am	(A-1510)
850.Tb. E	am	(A-1510)
850.Tb. G	am	(A-1510)
850.Tb. H	am	(A-1510)

TITLE 8

20.1	am	(P-19178/88; W-2166)
125.10	am	(PP-228)
125.260	am	(PP-228)
125.270	am	(PP-228)
125.305	am	(PP-2160)
700.Ap. I	am	(P-14786/88; A-285)

TITLE 11

208.10	n	(P-13926/88; O-20234/88; R-1250; M-1250; A-1232)
208.20	n	(P-13926/88; O-20234/88; R-1250; A-1232)

TITLE 11 (CONT'D)

208.30	n	(P-13926/88; O-20234/88; R-1250; A-1232)
208.40	n	(P-13926/88; O-20234/88; R-1250; A-1232)
208.100	n	(P-13926/88; O-20234/88; R-1250; A-1232)
208.110	n	(P-13926/88; O-20234/88; R-1250; A-1232)
208.120	n	(P-13926/88; O-20234/88; R-1250; A-1232)
417.30	am	(E-1899) (P-1979)
417.35	n	(E-1899) (P-1979)
417.100	n	(E-1899) (P-1979)
422.20	n	(P-13922/88; A-1558)
437.10	n	(P-1099)
437.20	n	(P-1099)
437.30	n	(P-1099)
437.40	n	(P-1099)
502.120	am	(P-17755/88; A-1562)
502.600	am	(P-17755/88; A-1562)
1308.20	am	(P-17766/88; O-1268; R-2167; A-2156)
1308.30	n	(P-17766/88; O-1268; R-2167; A-2156)
1308.40	n	(P-17766/88; O-1268; R-2167; A-2156)
1409.120	am	(P-17761/88; O-1266; R-1906; A-1841)
1409.130	am	(P-17761/88; O-1266; R-1906; A-1841)
1409.132	r	(P-17761/88; A-1841)
1410.10	am	(P-4345/88; A-1846)
1410.15	r	(P-4345/88; A-1846)

TITLE 14

570.30	am	(P-20714/87; A-58)
590.10	am	(P-15249/88; A-2028)

TITLE 14 (CONT'D)

590.80	n	(P-15249/88; A-2028)
590.81	n	(P-15249/88; A-2028)
590.90	n	(P-15249/88; A-2028)
590.91	n	(P-15249/88; A-2028)
590.92	n	(P-15249/88; A-2028)
590.93	n	(P-15249/88; A-2028)
620.10	am	(P-14797/88; A-1758)
620.30	am	(P-14797/88; A-1758)
620.40	am	(P-14797/88; A-1758)
620.50	am	(P-14797/88; A-1758)
620.60	am	(P-14797/88; A-1758)
620.70	am	(P-14797/88; A-1758)
620.80	am	(P-14797/88; A-1758)
620.90	am	(P-14797/88; A-1758)

TITLE 17

220.10	n	(P-731)
220.20	n	(P-731)
220.30	n	(P-731)
220.40	n	(P-731)
220.50	n	(P-731)
220.60	n	(P-731)
220.70	n	(P-731)
220.80	n	(P-731)
220.90	n	(P-731)
810.30	am	(P-1690)
810.40	am	(P-1690)
810.70	am	(P-1690)

TITLE 20

107.170	r	(P-979)
1295.10	n	(P-17064/88; A-1856)
1295.20	n	(P-17064/88; A-1856)
1295.30	n	(P-17064/88; A-1856)
1295.40	n	(P-17064/88; RC-1270; A-1856)
1295.50	n	(P-17064/88; RC-1270; A-1856)
1295.60	n	(P-17064/88; RC-1270; A-1856)
1295.70	n	(P-17064/88; RC-1270; A-1856)
1295.80	n	(P-17064/88; A-1856)
1520.10	am	(P-1317) (E-1605)
1520.46	n	(P-1317) (E-1605)
1520.50	am	(P-1317) (E-1605)

TITLE 23

230.10	am	(P-12747/88; A-1535)
230.30	am	(P-12747/88; A-1535)
230.60	am	(P-12747/88; A-1535)
275.90	am	(P-12745/88; A-1532)
500.20	am	(P-1730)
500.50	am	(P-1730)
500.120	n	(P-1730)
1501.509	am	(P-16313/88; A-1182)
2310.80	am	(P-1319)
3030.60	r	(P-12180/88; A-1244)
3030.105	am	(P-12180/88; A-1244)

TITLE 29

430.10	r	(P-17585/88; A-2049)
430.10	n	(P-17575/88; A-2040)
430.15	n	(P-17575/88; A-2040)
430.20	r	(P-17585/88; A-2049)
430.20	n	(P-17575/88; A-2040)
430.30	r	(P-17585/88; A-2049)
430.30	n	(P-17575/88; A-2040)
430.40	r	(P-17585/88; A-2049)
430.40	n	(P-17575/88; A-2040)
430.50	r	(P-17585/88; A-2049)
430.50	n	(P-17575/88; A-2040)
430.60	r	(P-17585/88; A-2049)
430.60	n	(P-17575/88; A-2040)
430.70	r	(P-17585/88; A-2049)
430.70	n	(P-17575/88; A-2040)
430.80	n	(P-17575/88; A-2040)

TITLE 32

360.10	am	(P-13858/88; A-803)
360.20	am	(P-13858/88; A-803)
360.30	am	(P-13858/88; A-803)
360.40	am	(P-13858/88; A-803)
360.50	am	(P-13858/88; A-803)
360.60	am	(P-13858/88; A-803)
360.70	am	(P-13858/88; A-803)
360.80	am	(P-13858/88; A-803)
360.90	am	(P-13858/88; A-803)
360.100	am	(P-13858/88; A-803)
360.Ap. A	am	(P-13858/88; A-803)
360.Tb. A	r	(P-13858/88; A-803)
360.Tb. B	am	(P-13858/88; A-803)
360.Tb. C	am	(P-13858/88; A-803)
401.170	am	(P-982)
410.10	am	(P-13841/88; A-342)
410.20	am	(P-13841/88; A-342)
410.30	am	(P-13841/88; A-342)
410.40	am	(P-13841/88; A-342)
410.50	am	(P-13841/88; A-342)
410.60	am	(P-13841/88; A-342)
410.70	am	(P-13841/88; A-342)
410.80	am	(P-13841/88; A-342)
410.II. A	n	(P-13841/88; A-342)
410.II. B	n	(P-13841/88; A-342)

TITLE 35

201.281	am	(P-5154/88; O-29221/88; R-1624; A-2066)
201.401	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.402	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.403	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.404	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.405	n	(P-5154/88; O-29221/88; R-1624; A-2066)

TITLE 35 (CONT'D)

201.406	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.407	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.408	n	(P-5154/88; O-29221/88; R-1624; A-2066)
251.103	am	(E-955)
251.201	am	(E-955)
251.202	n	(E-955)
251.203	am	(E-955)
251.208	am	(E-955)
251.210	am	(E-955)
251.212	r	(E-955)
251.215	am	(E-955)
251.301	am	(E-955)
304.220	n	(P-11397/88; A-2060)
304.302	n	(P-11669/88; A-851)
307.1508	am	(P-16396/88; A-1794)
307.1704	am	(P-16396/88; A-1794)
307.2101	am	(P-16396/88; A-1794)
307.2903	am	(P-16396/88; A-1794)
307.3110	am	(P-16396/88; A-1794)
307.3129	am	(P-16396/88; A-1794)
307.3500	am	(P-16396/88; A-1794)
307.3501	am	(P-16396/88; A-1794)
307.3503	am	(P-16396/88; A-1794)
307.3509	am	(P-16396/88; A-1794)
307.3590	n	(P-16396/88; A-1794)
307.4004	am	(P-16396/88; A-1794)
307.8100	am	(P-16396/88; A-1794)
378.101	n	(P-12753/88; A-1190)
378.102	n	(P-12753/88; A-1190)
378.103	n	(P-12753/88; A-1190)
378.201	n	(P-12753/88; A-1190)
378.202	n	(P-12753/88; A-1190)
378.203	n	(P-12753/88; A-1190)
378.204	n	(P-12753/88; A-1190)
378.301	n	(P-12753/88; A-1190)
378.302	n	(P-12753/88; A-1190)
378.Ap. A	n	(P-12753/88; A-1190)
378.Ap. B	n	(P-12753/88; A-1190)
378.Ap. C	n	(P-12753/88; A-1190)
378.Ap. D	n	(P-12753/88; A-1190)
378.Ap. E	n	(P-12753/88; A-1190)
601.105	am	(P-262)
604.203	am	(P-255)
605.104	am	(P-269)
661.302	am	(P-1738)
703.123	am	(P-15444/88; A-447)
704.143	am	(P-17167/88; A-478)
720.110	am	(P-15327/88; A-362)
720.111	am	(P-15327/88; A-362)
721.104	am	(P-15347/88; A-382)
721.105	am	(P-15347/88; A-382)
721.133	am	(P-15347/88; A-382)

TITLE 35 (CONT'D)

721.Ap. H	am	(P-15347/88; A-382)
722.110	am	(P-15449/88; A-452)
722.151	am	(P-15449/88; A-452)
724.101	am	(P-15455/88; A-458)
724.Ap. I	am	(P-15455/88; A-458)
725.101	am	(P-15402/88; A-437)

TITLE 38

190.10	am	(P-14097/88; O-22489/88; R-966)
190.50	am	(P-14097/88; O-22489/88; R-966)
190.140	am	(P-14097/88; O-22489/88; R-966)
190.160	am	(P-14097/88; O-22489/88; R-966)
190.180	am	(P-14097/88; O-22489/88; R-966)
400.110	am	(P-1985)
400.120	am	(P-1985)
400.130	am	(P-1985)
400.140	r	(P-1985)
400.141	am	(P-1985)
400.142	am	(P-1985)
400.150	am	(P-1985)
400.440	am	(P-1985)
400.510	am	(P-1985)
400.615	am	(P-1985)
400.665	am	(P-1985)
400.675	r	(P-1985)
400.710	am	(P-1985)
400.1020	am	(P-1985)
400.1030	am	(P-1985)
400.1060	am	(P-1985)
400.1110	am	(P-1985)
400.1120	am	(P-1985)
400.1140	r	(P-1985)
400.1530	am	(P-1985)
400.1550	am	(P-1985)
400.2010	am	(P-1985)
400.2055	n	(P-1985)
400.2500	am	(P-1985)
400.2510	am	(P-1985)
400.2520	am	(P-1985)
400.2700	n	(P-1985)
400.2710	n	(P-1985)

TITLE 41

100.110	n	(E-582) (P-1323)
170.10	am	(P-1756) (E-1886)
170.71	n	(P-1756) (E-1886)
170.72	n	(P-1756) (E-1886)
170.73	n	(P-1756) (E-1886)
170.75	am	(P-1756) (E-1886)
170.106	n	(P-1756) (E-1886)
170.107	n	(P-1756) (E-1886)
170.108	n	(P-1756) (E-1886)
180.10	am	(P-1754) (E-1875)
180.20	am	(P-1754) (E-1875)
180.25	n	(P-1754) (E-1875)

TITLE 44

910.130	am	(P-1917)
4400.25	n	(P-44)

TITLE 47

100.70	am	(P-1930)
100.85	am	(P-1930)
100.90	am	(P-1930)
100.110	am	(P-1930)
100.120	am	(P-1930)
120.80	am	(P-1311)
120.100	am	(P-1311)
120.110	am	(P-8521/88; A-779)
120.115	n	(P-8521/88; A-779)
160.80	am	(P-9271/88; A-2024)

TITLE 50

601.10	n	(P-11985/88; A-2051)
601.20	n	(P-11985/88; A-2051)
601.30	n	(P-11985/88; A-2051)
601.40	n	(P-11985/88; A-2051)
601.50	n	(P-11985/88; A-2051)
601.60	n	(P-11985/88; A-2051)
601.70	n	(P-11985/88; A-2051)
601.80	n	(P-11985/88; A-2051)
601.90	n	(P-11985/88; A-2051)
601.100	n	(P-11985/88; A-2051)
601.110	n	(P-11985/88; A-2051)
601.120	n	(P-11985/88; A-2051)
601.130	n	(P-11985/88; A-2051)
601.140	n	(P-11985/88; A-2051)
754.Ex. B	am	(P-2057/88; A-1542)
919.10	am	(P-13535/88; C-17456/88; A-1204)
919.20	am	(P-13535/88; C-17456/88; A-1204)
919.30	am	(P-13535/88; C-17456/88; A-1204)
919.40	am	(P-13535/88; C-17456/88; A-1204)
919.50	am	(P-13535/88; C-17456/88; A-1204)
919.60	am	(P-13535/88; C-17456/88; A-1204)
919.70	am	(P-13535/88; C-17456/88; A-1204)
919.80	am	(P-13535/88; C-17456/88; A-1204)
919.90	am	(P-13535/88; C-17456/88; A-1204)
919.Ex. A	n	(P-13535/88; C-17456/88; A-1204)
2008.10	am	(P-251) (E-586)
2008.20	am	(P-251) (E-586)
2008.30	am	(P-251) (E-586)
2008.40	am	(P-251) (E-586)
2008.50	am	(P-251) (E-586)
2008.60	am	(P-251) (E-586)
2008.70	am	(P-251) (E-586)
2008.71	n	(P-251) (E-586)
2008.80	am	(P-251) (E-586)
2008.81	n	(P-251) (E-586)
2008.82	n	(P-251) (E-586)
2008.90	am	(P-251) (E-586)
2008.Ap. A	am	(P-251) (E-586)
2008.Ap. B	am	(P-251) (E-586)
2008.Ap. C	am	(P-251) (E-586)

TITLE 50 (CONT'D)

2008.Ap. E	n	(P-251) (E-586)
2008.Ap. F	n	(P-251) (E-586)
2008.Ap. G	n	(P-251) (E-586)
6301.Ex. A	am	(P-14502/88; A-1780)

TITLE 56

2090.105	am	(P-17)
2712.201	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.202	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.203	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.205	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.207	n	(P-15257/88; O-22482/88; R-965; A-795)
2712.210	n	(P-15257/88; O-22482/88; R-965; A-795)
2732.210	n	(P-1945)
2765.205	n	(P-752)
2770.105	am	(P-743)
2920.65	am	(P-17592/88; A-1773)
2920.80	am	(P-17592/88; A-1773)

TITLE 62

220.10	am	(P-23)
220.80	am	(P-23)
220.160	am	(P-756)

TITLE 68

1280.10	r	(P-8536/88; A-513)
1280.20	r	(P-8536/88; A-513)
1280.30	r	(P-8536/88; A-513)
1280.40	r	(P-8536/88; A-513)
1280.50	r	(P-8536/88; A-513)
1280.55	r	(P-8536/88; A-513)
1280.60	r	(P-8536/88; A-513)
1280.70	r	(P-8536/88; A-513)
1280.80	r	(P-8536/88; A-513)
1280.85	r	(P-8536/88; A-513)
1280.105	r	(P-8536/88; A-513)
1280.107	r	(P-8536/88; A-513)
1280.110	r	(P-8536/88; A-513)
1285.20	am	(P-274) (E-651)
1285.20	n	(P-8571/88; A-483)
1285.30	n	(P-8571/88; A-483)
1285.40	n	(P-8571/88; A-483)
1285.50	am	(P-274) (E-651)
1285.50	n	(P-8571/88; A-483)
1285.60	n	(P-8571/88; A-483)
1285.70	am	(P-274) (E-651)
1285.70	n	(P-8571/88; A-483)
1285.80	n	(P-8571/88; A-483)
1285.90	am	(P-274) (E-651)
1285.90	n	(P-8571/88; A-483)

TITLE 68 (CONT'D)

1285.95	n	(P-274) (E-651)
1285.100	n	(P-8571/88; A-483)
1285.110	n	(P-8571/88; A-483)
1285.120	n	(P-8571/88; A-483)
1285.130	n	(P-8571/88; A-483)
1285.140	n	(P-8571/88; A-483)
1465.10	n	(P-1388) (E-1616)
1465.20	n	(P-1388) (E-1616)
1465.30	n	(P-1388) (E-1616)
1465.40	n	(P-1388) (E-1616)
1465.50	n	(P-1388) (E-1616)
1465.60	n	(P-1388) (E-1616)
1465.70	n	(P-1388)
1465.90	n	(P-1388)

TITLE 71

40.130	am	(P-1283)

TITLE 77

380.100	n	(P-987)
380.110	n	(P-987)
380.115	n	(P-987)
380.120	n	(P-987)
380.130	n	(P-987)
380.140	n	(P-987)
380.150	n	(P-987)
380.160	n	(P-987)
380.170	n	(P-987)
380.180	n	(P-987)
380.190	n	(P-987)
380.200	n	(P-987)
380.210	n	(P-987)
380.220	n	(P-987)
380.230	n	(P-987)
380.240	n	(P-987)
380.250	n	(P-987)
380.260	n	(P-987)
380.270	n	(P-987)
380.280	n	(P-987)
380.290	n	(P-987)
380.300	n	(P-987)
380.310	n	(P-987)
380.320	n	(P-987)
380.330	n	(P-987)
380.340	n	(P-987)
380.350	n	(P-987)
380.360	n	(P-987)
380.370	n	(P-987)
380.380	n	(P-987)
380.390	n	(P-987)
380.400	n	(P-987)
380.410	n	(P-987)
380.420	n	(P-987)
380.430	n	(P-987)
380.440	n	(P-987)
380.450	n	(P-987)

TITLE 77 (CONT'D)

380.460	n	(P-987)
380.470	n	(P-987)
380.480	n	(P-987)
380.490	n	(P-987)
380.495	n	(P-987)
380.500	n	(P-987)
380.510	n	(P-987)
380.520	n	(P-987)
380.530	n	(P-987)
380.540	n	(P-987)
380.550	n	(P-987)
380.560	n	(P-987)
380.570	n	(P-987)
380.580	n	(P-987)
380.590	n	(P-987)
380.600	n	(P-987)
380.610	n	(P-987)
380.620	n	(P-987)
380.630	n	(P-987)
380.640	n	(P-987)
380.650	n	(P-987)
380.660	n	(P-987)
380.670	n	(P-987)
380.680	n	(P-987)
380.690	n	(P-987)
380.700	n	(P-987)
380.710	n	(P-987)
380.720	n	(P-987)
380.730	n	(P-987)
380.740	n	(P-987)
380.750	n	(P-987)
380.760	n	(P-987)
380.770	n	(P-987)
380.780	n	(P-987)
380.790	n	(P-987)
380.800	n	(P-987)
380.810	n	(P-987)
380.820	n	(P-987)
380.830	n	(P-987)
380.840	n	(P-987)
380.850	n	(P-987)
380.860	n	(P-987)
380.870	n	(P-987)
380.880	n	(P-987)
380.890	n	(P-987)
380.900	n	(P-987)
380.910	n	(P-987)
750.10	am	(P-14113/88; A-1819)
750.140	am	(P-14113/88; A-1819)
760.20	am	(P-14115/88; A-1830)
760.150	am	(P-14115/88; A-1830)
790.460	am	(P-12991/88; P-16425/88; A-856)
790.500	am	(P-12991/88; P-16425/88; A-856)
790.540	am	(P-12991/88; P-16425/88; A-856)
790.580	am	(P-16425/88; A-856)
790.600	am	(P-16425/88; A-856)

TITLE 77 (CONT'D)

790.630 am (P-12991/88; A-856)
790.799 n (P-12991/88; A-856)
790.799 am (P-16425/88; A-856)
790.860 am (P-16425/88; A-856)
790.900 am (P-16425/88; A-856)
790.905 am (P-16425/88; A-856)
790.910 am (P-12991/88; A-856)
790.940 am (P-12991/88; A-856)
790.974 am (P-16425/88; A-856)
790.1060 am (P-12991/88; A-856)
790.1100 r (P-16425/88; A-856)
790.1125 n (P-16425/88; A-856)
790.1127 n (P-16425/88; A-856)
790.1129 n (P-16425/88; A-856)
790.1131 n (P-16425/88; A-856)
790.1300 am (P-16425/88; A-856)
790.1345 am (P-16425/88; A-856)
790.1440 n (P-16425/88; A-856)
790.1460 am (P-16425/88; A-856)
790.1560 n (P-12991/88; P-16425/88; A-856)
790.1570 n (P-16425/88; A-856)
790.1577 am (P-16425/88; A-856)
790.1620 am (P-12991/88; A-856)
790.1660 am (P-16425/88; A-856)
790.1685 am (P-12991/88; A-856)
790.1721 am (P-16425/88; A-856)
790.1740 am (P-16425/88; A-856)
790.1930 am (P-16425/88; A-856)
790.2060 am (P-16425/88; A-856)
790.2097 am (P-12991/88; A-856)
790.2140 am (P-12991/88; P-16425/88; A-856)
790.2180 am (P-16425/88; A-856)
790.2260 am (P-16425/88; A-856)
790.2340 am (P-16425/88; A-856)
790.2380 am (P-16425/88; A-856)
790.2500 am (P-12991/88; P-16425/88; A-856)
790.2540 am (P-16425/88; A-856)
790.2580 am (P-16425/88; A-856)
790.2605 am (P-12991/88; P-16425/88; A-856)
790.2613 am (P-16425/88; A-856)
790.2617 am (P-16425/88; A-856)
790.2618 am (P-12991/88; P-16425/88; A-856)
790.2780 am (P-16425/88; A-856)
790.2860 am (P-16425/88; A-856)
790.2900 am (P-16425/88; A-856)
790.2904 am (P-16425/88; A-856)
790.2928 r (P-16425/88; A-856)
790.2928 n (P-12991/88; A-856)
790.2932 am (P-16425/88; A-856)
790.3020 am (P-16425/88; A-856)
790.3027 am (P-16425/88; A-856)
790.3085 am (P-16425/88; A-856)
790.3100 am (P-16425/88; A-856)
790.3300 am (P-16425/88; A-856)
790.3335 am (P-16425/88; A-856)
790.3340 am (P-12991/88; P-16425/88; A-856)

TITLE 77 (CONT'D)

790.3420 am (P-12991/88; A-856)
790.3425 am (P-16425/88; A-856)
790.3437 am (P-12991/88; A-856)
790.3440 n (P-16425/88; A-856)
790.3475 n (P-16425/88; A-856)
790.3500 am (P-16425/88; A-856)
790.3540 am (P-16425/88; A-856)
790.3620 am (P-12991/88; P-16425/88; A-856)
790.3720 n (P-16425/88; A-856)
790.3900 am (P-16425/88; A-856)
790.3907 am (P-12991/88; A-856)
790.3910 n (P-12991/88; P-16425/88; A-856)
790.3945 am (P-16425/88; A-856)
790.4012 am (P-16425/88; A-856)
790.4040 am (P-16425/88; A-856)
790.4060 am (P-16425/88; A-856)
790.4100 am (P-12991/88; P-16425/88; A-856)
790.4220 am (P-16425/88; A-856)
790.4396 am (P-12991/88; P-16425/88; A-856)
790.4398 am (P-12991/88; P-16425/88; A-856)
790.4430 am (P-16425/88; A-856)
790.4460 am (P-16425/88; A-856)
790.4580 am (P-16425/88; A-856)
790.4620 am (P-16425/88; A-856)
790.4660 am (P-16425/88; A-856)
790.4670 am (P-12991/88; A-856)
790.4680 am (P-12991/88; A-856)
790.4720 am (P-12991/88; P-16425/88; A-856)
790.4740 am (P-12991/88; P-16425/88; A-856)
790.4820 am (P-16425/88; A-856)
790.4960 n (P-16425/88; A-856)
790.5060 am (P-16425/88; A-856)
790.5140 am (P-12991/88; P-16425/88; A-856)
790.5180 am (P-16425/88; A-856)
790.5220 am (P-12991/88; A-856)
790.5300 am (P-16425/88; A-856)
790.5312 am (P-12991/88; A-856)
790.5420 am (P-16425/88; A-856)
790.5483 am (P-12991/88; P-16425/88; A-856)
790.5520 n (P-16425/88; A-856)
790.5530 am (P-16425/88; A-856)
790.5540 am (P-16425/88; A-856)
790.5544 am (P-12991/88; P-16425/88; A-856)
790.5560 n (P-16425/88; A-856)
790.5620 am (P-12991/88; P-16425/88; A-856)
790.5640 n (P-12991/88; A-856)
790.5792 am (P-12991/88; P-16425/88; A-856)
790.5795 n (P-16425/88; A-856)
790.5807 am (P-16425/88; A-856)
790.5820 am (P-12991/88; P-16425/88; A-856)
790.5830 am (P-12991/88; P-16425/88; A-856)
790.5837 n (P-12991/88; A-856)
790.5840 am (P-16425/88; A-856)
790.5872 am (P-16425/88; A-856)
790.5893 am (P-16425/88; A-856)
790.5900 am (P-16425/88; A-856)

TITLE 77 (CONT'D)

790.5924 am (P-12991/88; A-856)
790.5940 am (P-12991/88; P-16425/88; A-856)
790.5980 am (P-16425/88; A-856)
790.6140 am (P-16425/88; A-856)
790.6260 am (P-16425/88; A-856)
790.6275 am (P-12991/88; P-16425/88; A-856)
790.6280 am (P-16425/88; A-856)
790.6284 am (P-16425/88; A-856)
790.6370 am (P-12991/88; A-856)
790.6375 n (P-16425/88; A-856)
790.6445 am (P-16425/88; A-856)
790.6450 am (P-16425/88; A-856)
790.6452 am (P-16425/88; A-856)
790.6454 n (P-16425/88; A-856)
790.6456 am (P-12991/88; P-16425/88; A-856)
790.6540 am (P-16425/88; A-856)
790.6580 am (P-16425/88; A-856)
790.6621 n (P-16425/88; A-856)
790.6670 am (P-16425/88; A-856)
790.6740 am (P-16425/88; A-856)
790.6780 am (P-12991/88; P-16425/88; A-856)
790.6875 am (P-12991/88; A-856)
790.6946 am (P-16425/88; A-856)
790.6960 n (P-12991/88; P-16425/88; A-856)
790.6980 am (P-16425/88; A-856)
790.7020 am (P-16425/88; A-856)
790.7140 am (P-16425/88; A-856)
790.7180 am (P-16425/88; A-856)
790.7181 n (P-16425/88; A-856)
790.7260 am (P-16425/88; A-856)
790.7265 n (P-16425/88; A-856)
790.7280 am (P-16425/88; A-856)
790.7288 n (P-16425/88; A-856)
790.7400 am (P-12991/88; A-856)
790.7500 am (P-16425/88; A-856)
790.7540 am (P-12991/88; P-16425/88; A-856)
790.7700 am (P-16425/88; A-856)
790.7828 am (P-12991/88; P-16425/88; A-856)
790.8378 am (P-16425/88; A-856)
790.8380 am (P-16425/88; A-856)
790.8580 am (P-16425/88; A-856)
790.8700 am (P-16425/88; A-856)
790.8900 am (P-16425/88; A-856)
790.8940 am (P-16425/88; A-856)
790.9020 am (P-12991/88; A-856)
790.9060 am (P-12991/88; P-16425/88; A-856)
790.9084 am (P-12991/88; A-856)
790.9140 am (P-16425/88; A-856)
790.9486 am (P-12991/88; P-16425/88; A-856)
790.9500 am (P-12991/88; P-16425/88; A-856)
790.9530 am (P-12991/88; P-16425/88; A-856)
830.10 am (P-3325/88; A-2090)
830.20 n (P-3325/88; A-2090)
830.100 am (P-3325/88; A-2090)
830.110 am (P-3325/88; A-2090)
830.120 am (P-3325/88; A-2090)

TITLE 77 (CONT'D)

830.130 am (P-3325/88; A-2090)
830.140 am (P-3325/88; A-2090)
830.150 r (P-3325/88; A-2090)
830.160 r (P-3325/88; A-2090)
830.170 r (P-3325/88; A-2090)
830.180 am (P-3325/88; A-2090)
830.190 n (P-3325/88; A-2090)
830.200 am (P-3325/88; A-2090)
830.210 n (P-3325/88; A-2090)
830.220 n (P-3325/88; A-2090)
830.230 n (P-3325/88; A-2090)
830.240 n (P-3325/88; A-2090)
830.250 am (P-3325/88; A-2090)
830.260 am (P-3325/88; A-2090)
830.270 am (P-3325/88; A-2090)
830.280 r (P-3325/88; A-2090)
830.290 n (P-3325/88; A-2090)
830.300 n (P-3325/88; A-2090)
830.310 n (P-3325/88; A-2090)
830.315 r (P-3325/88; A-2090)
830.400 am (P-3325/88; A-2090)
830.410 am (P-3325/88; A-2090)
830.420 r (P-3325/88; A-2090)
830.430 am (P-3325/88; A-2090)
830.440 am (P-3325/88; A-2090)
830.450 am (P-3325/88; A-2090)
830.460 am (P-3325/88; A-2090)
830.500 am (P-3325/88; A-2090)
830.510 r (P-3325/88; A-2090)
830.520 am (P-3325/88; A-2090)
830.530 am (P-3325/88; A-2090)
830.540 am (P-3325/88; A-2090)
830.560 r (P-3325/88; A-2090)
830.570 r (P-3325/88; A-2090)
830.600 am (P-3325/88; A-2090)
830.610 r (P-3325/88; A-2090)
830.620 am (P-3325/88; A-2090)
830.630 am (P-3325/88; A-2090)
830.640 am (P-3325/88; A-2090)
830.650 am (P-3325/88; A-2090)
830.660 r (P-3325/88; A-2090)
830.670 r (P-3325/88; A-2090)
830.700 am (P-3325/88; A-2090)
830.800 n (P-3325/88; A-2090)
830.820 am (P-3325/88; A-2090)
830.830 n (P-3325/88; A-2090)
830.840 n (P-3325/88; A-2090)
830.850 n (P-3325/88; A-2090)
830.860 n (P-3325/88; A-2090)
830.870 n (P-3325/88; A-2090)
830.II.A n (P-3325/88; A-2090)
830.II.B n (P-3325/88; A-2090)
2510.50 am (P-13694/88; A-334)

TITLE 80

250.70 am (P-1921)

TITLE 80 (CONT'D)

302.190	am	(P-1639)
302.200	am	(P-1639)
302.625	am	(P-1639)
310.30	am	(P-1296)
310.230	am	(P-1296)
310.280	am	(P-1296)
310.290	am	(P-1296)
310.320	am	(P-1296)
310.Ap. A	am	(P-20584/88; RC-1254)
Tb. P	am	(P-20584/88; RC-1254)
1100.10	am	(P-1327)
1100.20	am	(P-1327)
1100.30	am	(P-1327)
1100.40	am	(P-1327)
1100.50	am	(P-1327)
1100.70	am	(P-1327)
1100.80	am	(P-1327)
1100.90	n	(P-1327)
1100.100	n	(P-1327)
1105.10	am	(P-1335)
1105.20	am	(P-1335)
1105.30	am	(P-1335)
1105.40	am	(P-1335)
1105.50	am	(P-1335)
1105.80	am	(P-1335)
1105.100	am	(P-1335)
1105.110	am	(P-1335)
1105.120	am	(P-1335)
1105.130	r	(P-1335)
1105.140	am	(P-1335)
1105.150	am	(P-1335)
1105.160	am	(P-1335)
1105.170	am	(P-1335)
1105.220	am	(P-1335)
1110.40	am	(P-1355)
1110.50	am	(P-1355)
1110.60	am	(P-1355)
1110.70	r	(P-1355)
1110.70	n	(P-1355)
1110.80	am	(P-1355)
1110.90	am	(P-1355)
1110.100	am	(P-1355)
1110.110	am	(P-1355)
1110.140	am	(P-1355)
1110.150	am	(P-1355)
1110.160	am	(P-1355)
1110.170	am	(P-1355)
1110.180	n	(P-1355)
1120.20	am	(P-1379)
1120.30	am	(P-1379)
1120.40	am	(P-1379)
1120.50	am	(P-1379)
1120.70	n	(P-1379)
1125.10	am	(P-16375/88; A-1784)
1125.20	am	(P-16375/88; A-1784)
1125.30	am	(P-16375/88; A-1784)

TITLE 80 (CONT'D)

1125.50	r	(P-16375/88; A-1784)
1125.70	am	(P-16375/88; A-1784)
1125.80	am	(P-16375/88; O-22478/88; R-1905; A-1784)
1125.90	r	(P-16375/88; A-1784)
1125.100	n	(P-16375/88; A-1784)
1570.40	am	(P-14122/88; O-22492/88; R-1626; A-1577)
1570.60	r	(R-1626; A-1577)
1570.70	am	(R-1626; A-1577)
1570.80	am	(R-1626; A-1577)
1570.90	am	(R-1626; A-1577)
1570.100	am	(R-1626; A-1577)
1570.110	r	(R-1626; A-1577)
1570.150	r	(R-1626; A-1577)
1570.160	am	(R-1626; A-1577)
2110.30	am	(P-1) (E-214)
2110.320	am	(P-1) (E-214)
2110.330	am	(P-1) (E-214)
2110.510	am	(P-1) (E-214)
2110.530	am	(P-1) (E-214)
2650.1	n	(P-6871/88; O-1256)
2650.5	n	(P-6871/88; O-1256)
2650.10	n	(P-6871/88; O-1256)
2650.15	n	(P-6871/88; O-1256)
2650.20	n	(P-6871/88; O-1256)
2650.25	n	(P-6871/88; O-1256)
2650.30	n	(P-6871/88; O-1256)
2700.200	am	(P-253) (E-629)
2700.440	am	(P-253) (E-629)
2700.620	am	(P-253) (E-629)
2700.630	am	(P-253) (E-629)
2700.650	am	(P-253) (E-629)
2700.700	am	(P-253) (E-629)
2700.710	am	(P-253) (E-629)
2700.720	am	(P-253) (E-629)
2700.730	am	(P-253) (E-629)
2700.735	n	(P-253) (E-629)
2700.740	am	(P-253) (E-629)
2700.750	am	(P-253) (E-629)
2700.820	am	(P-253) (E-629)
2700.920	am	(P-253) (E-629)
2700.Ap. A	am	(P-253) (E-629)
Ex. E	am	(P-253) (E-629)
Ex. F	am	(P-253) (E-629)

TITLE 83

281.30	am	(P-1647)
281.90	am	(P-1647)
281.100	am	(P-1647)
281.Ex. D	am	(P-1647)
281.Ex. E	am	(P-1647)
435.10	r	(P-3)
435.20	r	(P-3)
435.30	r	(P-3)
435.40	r	(P-3)

TITLE 83 (CONT'D)

435.50	r	(P-3)
435.60	r	(P-3)
440.10	n	(P-3162/88; A-296)
440.100	n	(P-3162/88; A-296)
440.200	n	(P-3162/88; A-296)
440.210	n	(P-3162/88; A-296)
440.220	n	(P-3162/88; A-296)
440.240	n	(P-3162/88; A-296)
440.300	n	(P-3162/88; A-296)
440.310	n	(P-3162/88; A-296)
440.400	n	(P-3162/88; A-296)
440.410	n	(P-3162/88; A-296)
440.420	n	(P-3162/88; A-296)
440.430	n	(P-3162/88; A-296)
440.500	n	(P-3162/88; A-296)
440.510	n	(P-3162/88; A-296)
440.520	n	(P-3162/88; A-296)
440.600	n	(P-3162/88; A-296)
440.610	n	(P-3162/88; A-296)
440.620	n	(P-3162/88; A-296)
440.640	n	(P-3162/88; A-296)
440.650	n	(P-3162/88; A-296)
440.660	n	(P-3162/88; A-296)
440.700	n	(P-3162/88; A-296)
440.800	n	(P-3162/88; A-296)
440.810	n	(P-3162/88; A-296)
440.900	n	(P-3162/88; A-296)
440.910	n	(P-3162/88; A-296)
505.10	am	(P-1686)
595.120	am	(P-16309/88; A-2036)

TITLE 86

100.5706	am	(P-768)
151.101	n	(P-1498)
151.105	n	(P-1498)
151.110	n	(P-1498)
151.115	n	(P-1498)
432.100	n	(P-15027/88; A-191)
432.110	n	(P-15027/88; A-191)
432.120	n	(P-15027/88; A-191)
432.130	n	(P-15027/88; A-191)
432.140	n	(P-15027/88; A-191)
432.150	n	(P-15027/88; A-191)
432.160	n	(P-15027/88; A-191)
432.170	n	(P-15027/88; A-191)
432.180	n	(P-15027/88; A-191)
432.190	n	(P-15027/88; A-191)
432.200	n	(P-15027/88; A-191)
530.165	am	(P-11104/88; A-1589)
600.101	n	(P-1448)
600.105	n	(P-1448)
600.110	n	(P-1448)
600.115	n	(P-1448)
600.120	n	(P-1448)
600.125	n	(P-1448)
600.130	n	(P-1448)

TITLE 86 (CONT'D)

600.135	n	(P-1448)
610.101	n	(P-1460)
610.105	n	(P-1460)
610.110	n	(P-1460)
610.115	n	(P-1460)
610.120	n	(P-1460)
610.125	n	(P-1460)
610.130	n	(P-1460)
610.135	n	(P-1460)
620.101	n	(P-1468)
620.105	n	(P-1468)
620.110	n	(P-1468)
620.115	n	(P-1468)
620.120	n	(P-1468)
630.101	n	(P-1473)
630.105	n	(P-1473)
630.110	n	(P-1473)
630.115	n	(P-1473)
630.120	n	(P-1473)
630.125	n	(P-1473)
630.130	n	(P-1473)
630.135	n	(P-1473)
640.101	n	(P-1485)
640.105	n	(P-1485)
640.110	n	(P-1485)
640.115	n	(P-1485)
640.120	n	(P-1485)
640.125	n	(P-1485)
640.130	n	(P-1485)
640.135	n	(P-1485)
650.101	n	(P-1493)
650.105	n	(P-1493)
650.110	n	(P-1493)
650.115	n	(P-1493)
650.120	n	(P-1493)

TITLE 89

111.101	am	(P-15920/88; A-85)
112.40	am	(P-1948)
112.252	am	(P-15905/88; A-70)
112.253	am	(P-15905/88; A-70)
112.254	am	(P-15905/88; A-70)
113.142	am	(P-15898/88; A-63)
114.127	am	(P-14996/88; A-89) (P-1959)
114.128	am	(P-17621/88; A-1546)
114.351	am	(P-15924/88; A-89)
114.352	am	(P-15924/88; A-89)
114.353	am	(P-15924/88; A-89)
120.40	am	(P-17633/88; A-2081)
120.382	am	(P-15938/88; A-116)
140.100	am	(P-16421/88; O-1259)
140.445	am	(P-17172/88; O-1263)
140.512	am	(P-11995/88; A-125)
140.526	am	(P-1420)
141.400	am	(P-15483/88; A-516)
141.480	am	(P-15483/88; A-516)

TITLE 89 (CONT'D)

141.560	am	(P-15483/88; A-516)
141.800	am	(P-15483/88; A-516)
141.1160	am	(P-15483/88; A-516)
141.1240	am	(P-15483/88; A-516)
141.1280	am	(P-15483/88; A-516)
141.1480	am	(P-15483/88; A-516)
141.1520	am	(P-15483/88; A-516)
141.1680	am	(P-15483/88; A-516)
141.1760	am	(P-15483/88; A-516)
141.2280	am	(P-15483/88; A-516)
141.2360	am	(P-15483/88; A-516)
141.2400	am	(P-15483/88; A-516)
141.2760	am	(P-15483/88; A-516)
141.2960	am	(P-15483/88; A-516)
141.3440	am	(P-15483/88; A-516)
141.3480	am	(P-15483/88; A-516)
141.3760	am	(P-15483/88; A-516)
141.3800	am	(P-15483/88; A-516)
141.3840	am	(P-15483/88; A-516)
141.4000	am	(P-15483/88; A-516)
141.4040	am	(P-15483/88; A-516)
141.4160	am	(P-15483/88; A-516)
141.4440	am	(P-15483/88; A-516)
141.4520	am	(P-15483/88; A-516)
141.4720	am	(P-15483/88; A-516)
141.4760	am	(P-15483/88; A-516)
147.75	am	(P-10627/88; A-559)
147.100	am	(P-10627/88; A-559)
147.Tb. A	am	(P-10627/88; O-20231/88; R-667; A-559)
147.Tb. B	am	(P-10627/88; O-20231/88 R-667; A-559)
149.105	am	(P-13917/88; A-554)
160.5	n	(P-1396)
160.10	am	(P-1396)
160.100	n	(P-1396)
160.110	n	(P-1396)
160.120	n	(P-1396)
160.130	n	(P-1396)
160.140	n	(P-1396)
160.150	n	(P-1396)
160.160	n	(P-1396)
230.360	am	(P-14777/88; A-2015)
230.362	am	(P-14777/88; A-2015)
230.365	am	(P-14777/88; A-2015)
240.1400	n	(P-685)
240.1410	am	(P-685)
240.1420	am	(P-685)
240.1430	n	(P-685)
240.1440	n	(P-685)
240.1450	n	(P-685)
240.1700	n	(P-685)
240.1705	n	(P-685)
240.1710	n	(P-685)
240.1715	n	(P-685)
240.1718	n	(P-685)

TITLE 89 (CONT'D)

240.1720	n	(P-685)
240.1722	n	(P-685)
240.1725	n	(P-685)
240.1730	n	(P-685)
240.1735	n	(P-685)
240.1737	n	(P-685)
240.1738	n	(P-685)
240.1739	n	(P-685)
240.1960	n	(P-685)
530.5	n	(P-3565/88; A-141)
530.10	am	(P-3565/88; A-141)
530.20	r	(P-3565/88; A-141)
530.100	r	(P-3565/88; A-141)
530.105	r	(P-3565/88; A-141)
530.110	am	(P-3565/88; A-141)
530.120	r	(P-3565/88; A-141)
530.130	am	(P-3565/88; A-141)
530.140	am	(P-3565/88; A-141)
530.150	r	(P-3565/88; A-141)
530.200	n	(P-3565/88; A-141)
530.230	n	(P-3565/88; A-141)
530.240	n	(P-3565/88; A-141)
530.260	n	(P-3565/88; A-141)
552.40	am	(P-277)
552.100	am	(P-52)
567.10	am	(P-281)
587.50	am	(P-2192/88; A-1850)
587.110	am	(P-2192/88; A-1850)
587.130	n	(P-2192/88; A-1850)
587.500	am	(P-2192/88; A-1850)
592.45	n	(P-2092/88; A-1573)
597.20	am	(P-2197/88; A-1568)
597.150	n	(P-2197/88; A-1568)
607.60	am	(P-56) (E-225)

TITLE 92

448.Ap. A	am	(P-1127)
Ex. A	am	(P-1127)
534.210	am	(P-15952/88; A-1866)
545.100	n	(P-1111)
545.200	n	(P-1111)
545.300	n	(P-1111)
545.400	n	(P-1111)
708.80	am	(P-1503)
708.90	am	(P-1503)
708.180	am	(P-1503)
1010.240	am	(P-1103)
1010.440	n	(P-16432/88; A-1598)
1040.66	n	(P-15947/88; A-1593)
1205.10	am	(P-1665)
1206.20	am	(P-1671)
1225.45	am	(P-1676)
1710.160	am	(P-10)

This part of the Sections Affected Index lists only those Sections on which rulemaking is occurring in this issue of the Illinois Register. For previous action on these Sections in this volume of the Register, please refer to the first part of this index which begins on page SAI-1.

TITLE 8

1400.147	am	(A-2440)
1400.149	am	(A-2440)

TITLE 35

211.101	am	(P-19296/88; W-2537)
211.102	am	(P-19296/88; W-2537)
243.108	am	(P-19290/88; W-2536)
243.120	n	(P-19290/88; W-2536)
310.107	am	(A-2463)
310.110	am	(A-2463)
605.104	am	(P-269; C-2539)

TITLE 50

2502.10	r	(P-2234)
2502.20	r	(P-2234)

TITLE 56

2905.1	am	(P-2229)
2905.15	am	(P-2229)
2905.25	r	(P-2229)
2905.40	n	(P-2229)

TITLE 68

1400.20	am	(E-2519)
1400.30	am	(E-2519)
1400.40	am	(E-2519)
1400.50	am	(E-2519)

TITLE 77

450.05	n	(P-2249)
450.10	am	(P-2249)
450.20	am	(P-2249)
450.30	am	(P-2249)
450.35	n	(P-2249)
450.40	n	(P-2249)
450.50	n	(P-2249)
450.210	am	(P-2249)
450.220	am	(P-2249)
450.230	am	(P-2249)
450.310	am	(P-2249)
450.320	am	(P-2249)
450.330	am	(P-2249)
450.410	am	(P-2249)
450.420	am	(P-2249)
450.430	am	(P-2249)
450.440	am	(P-2249)
450.450	am	(P-2249)
450.510	am	(P-2249)
450.520	am	(P-2249)
450.530	r	(P-2249)
450.540	r	(P-2249)
450.550	r	(P-2249)
450.560	r	(P-2249)

TITLE 77 (CONT'D)

450.570	r	(P-2249)
450.610	am	(P-2249)
450.710	am	(P-2249)
450.720	am	(P-2249)
450.730	am	(P-2249)
450.810	r	(P-2249)
450.820	r	(P-2249)
450.830	r	(P-2249)
450.835	r	(P-2249)
450.840	r	(P-2249)
450.845	r	(P-2249)
450.848	r	(P-2249)
450.850	r	(P-2249)
450.860	r	(P-2249)
450.870	r	(P-2249)
450.920	am	(P-2249)
450.930	am	(P-2249)
450.940	am	(P-2249)
450.950	am	(P-2249)
450.1010	am	(P-2249)
450.1110	am	(P-2249)
450.1120	am	(P-2249)
450.1130	am	(P-2249)
450.1140	am	(P-2249)
450.1150	am	(P-2249)
450.1155	am	(P-2249)
450.1200	am	(P-2249)
450.1300	n	(P-2249)
450.1310	n	(P-2249)
450.1320	n	(P-2249)
450.1330	n	(P-2249)
450.Ap. A	n	(P-2249)
450.Ap. B	n	(P-2249)
725.5	r	(A-2517)
725.10	r	(A-2517)
725.10	n	(A-2502)
725.15	n	(A-2502)
725.20	n	(A-2502)
725.30	r	(A-2517)
725.30	n	(A-2502)
725.40	r	(A-2517)
725.40	n	(A-2502)
725.41	n	(A-2502)
725.42	n	(A-2502)
725.43	n	(A-2502)
725.44	n	(A-2502)
725.45	r	(A-2517)
725.50	r	(A-2517)
725.50	n	(A-2502)
725.51	n	(A-2502)
725.60	r	(A-2517)
725.60	n	(A-2502)
725.65	r	(A-2517)

TITLE 77 (CONT'D)

725.70	r	(A-2517)
725.70	n	(A-2502)
725.71	n	(A-2502)
725.80	r	(A-2517)
725.80	n	(A-2502)

TITLE 80

2150.1	n	(A-2402)
2150.2	n	(A-2402)
2150.5	n	(A-2402)

TITLE 86

100.3700	am	(P-2383)

TITLE 89

103.20	am	(A-2496)
112.98	am	(P-2236)
140.400	am	(A-2475)
140.441	am	(A-2475)
140.443	am	(A-2475)
140.445	am	(R-2538; A-2475)
140.447	am	(A-2475)
300.20	am	(A-2419)
300.30	am	(A-2419)
300.90	am	(A-2419)
300.100	am	(A-2419)
300.110	am	(R-2535; A-2419)
300.130	am	(A-2419)
300.140	am	(A-2419)
300.160	am	(A-2419)
431.5	am	(R-2532; A-2407)
431.6	am	(A-2407)
431.7	am	(A-2407)
431.11	n	(R-2532; A-2407)
431.12	#	(A-2407)

TITLE 92

1030.85	am	(P-2395)

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